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LEGISLATIVE HISTORY

Public Law 90-588

H. R. 13844

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INDEX AND SUMMARY OF H. R. 13844

Nov.	2, 1967	Rep. Dulski introduced and discussed H. R. 13844 which was referred to House Post Office and Civil Service Committee. Print of bill as introduced and remarks of author.
June	6, 1968	House subcommittee approved H. R. 13844 for full committee consideration.
June	12, 1968	House committee voted to report H. R. 13844.
✓ June	18, 1968	House committee reported H. R. 13844 with amendments. House Report 1560. Print of bill and report.
July	1, 1968	House passed H. R. 13844 under suspension of rules.
July	2, 1968	H. R. 13844 was referred to Senate Post Office and Civil Service Committee. Print of bill as referred.
July	19, 1968	Senate committee reported H. R. 13844 with amendments. Senate Report 1443. Print of bill and report.
July	20, 1968	Senate passed H. R. 13844 as reported.
Sept.	18, 1968	House concurred in Senate amendments. with amendment.
Oct.	4, 1968	Senate concurred in House amendment.
Oct.	17, 1968	Approved: Public Law 90-588.

DIGEST OF PUBLIC LAW 90-588

ADDITIONAL LEAVE FOR FEDERAL EMPLOYEES. Provides up to 3 days' paid leave so that a Federal employee may make arrangements for or attend the funeral of an immediate relative who dies as a result of combat service; and provides up to 22 days paid leave for an employee who is called to active duty in the Reserves or the National Guard for the purpose of enforcing the law.

90TH CONGRESS
1ST SESSION

H. R. 13844

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 1967

Mr. DULSKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) subchapter II of chapter 63 of title 5, United
- 4 States Code, is amended by adding at the end thereof the
- 5 following new section:

1 “§ 6325. Absence of employees of executive agencies in
2 connection with the funerals of their sons and
3 daughters killed in action with the United
4 States Armed Forces

5 “(a) An employee in or under an executive agency is
6 entitled to be excused from duty, for a period of not to ex-
7 ceed three days, without reduction in pay, service credit, per-
8 formance or efficiency rating, or annual and sick leave to
9 which such employee otherwise is entitled, to attend and
10 make necessary arrangements in connection with the funeral
11 of his son or daughter who, as a member of the Armed Forces
12 of the United States, in an overseas area, as designated by
13 the President, died in or as a result of—

14 “(1) action by the Armed Forces of the United
15 States against an enemy of the United States,

16 “(2) operations by the Armed Forces of the United
17 States involving armed conflict with a hostile foreign
18 force, or

19 “(3) service with a friendly foreign force in an
20 armed conflict in which the United States is not a
21 belligerent.

22 “(b) As used in this section—

23 “(1) ‘son’ includes stepson and adopted son, and

24 “(2) ‘daughter’ includes stepdaughter and adopted
25 daughter.”.

1 (b) The table of contents of chapter 63 of title 5,
2 United States Code, is amended by adding at the end
3 thereof—

“6325. Absence of employees of executive agencies in connection with the
funerals of their sons and daughters killed in action with the
United States Armed Forces.”.

A BILL

To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

By Mr. DULSKI

NOVEMBER 2, 1967

Referred to the Committee on Post Office and Civil Service

IBM insists it already has a wide range of conversion systems of its own, though it concedes none is directly competitive with the Boise Cascade system. Besides calling the youths' efforts an outstanding achievement, an IBM spokesman says: "We encourage conversion development efforts by Boise Cascade, as well as others, for the benefit of all" users of big new computers.

And what of Ron and Noah? They each got another raise—believed to be about \$150 a month, though no one will say for sure—and they're now hard at work on some internal programing problems at Boise Cascade. They're rather blasé about all the publicity, and Noah gives the distinct impression The Wall Street Journal is nuts to do another story on him and his friend.

Time Off for Parents of Armed Forces Personnel Lost in Combat

EXTENSION OF REMARKS OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1967

Mr. DULSKI. Mr. Speaker, today I have introduced very much needed legislation to allow Federal employees reasonable time off, without charge to their annual or sick leave, when their sons or daughters in the Armed Forces lose their lives because of armed conflict with a hostile foreign force.

President Sidney A. Goodman, of the National Postal Union, wrote me about a postal employee whose son was killed in action in Vietnam and who had to use annual leave to make necessary arrangements and to attend his son's funeral. I am sure there are many other such unfortunate cases, and deeply appreciate Mr. Goodman's patriotic concern.

Mr. Goodman's letter, and a letter from the bereaved mother—the wife of the postal employee—follow:

NATIONAL POSTAL UNION,
Washington, D.C., Oct. 27, 1967.

Congressman THADDEUS J. DULSKI,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DULSKI: I take the liberty of attaching herewith a recent letter from Mrs. Frederick R. Carson of Springfield Gardens, New York. It deals with the fact that there is no provision for leave with pay for postal employees who must take time off because their sons have been killed in action in Vietnam.

Currently, postal employees involved in such unhappy circumstances are charged such time off to either annual or sick leave. In either case, and depending on local practices, they would be required to present "evidence," quite possibly a medical certificate, indicating they are "unable to perform their duties."

The point is obvious. Surely appropriate consideration should be given to authorizing leave without loss of any credits in such situations. I know that you will be most sympathetic. May I request that you sponsor the legislation that would be necessary to correct this situation.

Thank you very much for your consideration.

Sincerely yours,

SIDNEY A. GOODMAN,
President.

ROSEDALE, N.Y.,
September 29, 1967.

DEAR MR. GOODMAN: My husband is a Post Office clerk at 90 Church St. N.Y.C. Last week my sons body was sent home from Vietnam and it was necessary for my husband to make the arrangements and take time off for the funeral. As you know this time is charged either to sick time or vacation time. It is bad enough having the shock of our son being killed and feeling the heartache without having to worry about how many days are used. I think its a disgrace that time isn't allowed by the government for a death in the family, especially when the death came because my son was fighting for his country. I think its about time the Union took some kind of action on this matter and in their next fight ask for this time.

Very truly yours,

Mrs. FREDERICK R. CARSON.

Five Minutes To Live

EXTENSION OF REMARKS OF

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1967

Mr. REES. Mr. Speaker, I join my colleagues of the California congressional delegation in urging approval of the Moss amendment to the Air Quality Act of 1967. We in California believe we must have the right to set minimum health standards for our State.

In the case of smog, it is the opinion of both our air pollution agencies and our public health officials that it is absolutely necessary to adopt higher standards for automobile emissions than now exist on the Federal level, or would be provided by the Air Quality Act as reported from committee.

At this point in the Record, I would like to have printed a series of editorials by KABC radio in Los Angeles which deal with the smog menace threatening our community and emphasize the great danger of air pollution to 20 million Californians.

The editorials referred to follow:

FIVE MINUTES TO LIVE—I

There are times in the life of a society, just as there are times in the life of a man, when a stand must be taken on issues of importance without regard for political or economic pressures or consequences. Such a time has come for our society. The deadly air we breathe in Los Angeles and throughout our nation can be cleansed.

That silent killer Smog can be eliminated. Those who have urged us to wait, to go slow, to study and bide our time, must no longer hold the control button. The time of crisis is near.

KABC has long advocated legislation to curb, to control, to contain the polluted air we breathe. We are now saying not only that this must be done, but that it must be done now!

Listen to the voice of Dr. Arthur Grossman, a pediatrician, a professor, a Senior Physician for the Children's Hospital at Cedars of Lebanon:

"The thing to do is to declare war! Not on people, not on poverty, but to declare war, an act of violence, on smog. The way to do it is to write, to wire, to call your Congressman or Senator and force President Johnson

to divert funds for the development of a clean and safe automobile."

Dr. Grossman is one of 10,000 Los Angeles Physicians who have now warned us: Unless we move immediately to clean our air, the penalties will be painful, and fatal. KABC Radio urges you to wire President Johnson now to demand federal action.

We urge you to write your senator and your congressman to demand that congress prevent passage of pending law that would prevent California from setting stronger smog-control standards than may be needed elsewhere.

If you don't know who your Congressman is, write to us: KABC, Editorials, Los Angeles 16. We'll see to it that your cards and letters are placed before the President.

FIVE MINUTES TO LIVE—II

KABC Radio, in a current series of editorials, is re-stating its long-standing belief that our officials at the federal, state and local levels must stop dragging their feet, and must act now to cleanse the air we breathe. There has been enough talk of hydrocarbons and nitrous oxides and points and percentages. Enough confusing laboratory language which at once intimidates and lulls the public.

It is time now, KABC believes, to put the truth in words and terms everyone can understand, and to unify the citizenry in a battle against the slow-moving forces that are playing games with our lives.

Listen to the words of Dr. Arthur Grossman, medical doctor, pediatrician, professor, and senior physician. Dr. Grossman here makes it clear the automobile is the chief villain in this continuing crisis:

"These emissions constitute a serious threat to the health of residents of the Los Angeles basin. Although this is especially true for those who are ill, very young and the aged, it also applies to those who are presently in good health. The Los Angeles County Medical Association wishes to emphasize to the Legislature of the State of California and the Congress of the United States that a critical and worsening health crisis exists in Los Angeles County, despite all efforts for its control. The pending crisis is imminent and demands that every appropriate action, however drastic, be taken immediately. No further delay can be tolerated with safety. That is the statement of the Los Angeles Medical Association."

KABC holds that the time for conjecture and conversation is over. KABC holds, as do 10-thousand doctors who support that statement, that the time has come to demand that our government declare an emergency, and do what must be done to terminate this crisis in our skies.

KABC urges you to write or wire President Johnson, your Senators and your congressman. Or, if you wish, send your cards and letters to us. Address them: KABC Editorials, Los Angeles 16. We will see to it that they are delivered to the White House.

FIVE MINUTES TO LIVE—III

KABC—in this current series of editorials—is re-emphasizing its firmly held belief that the time is here and now for action against the deadly air we breathe. We have waited long enough; we have suffered enough through smog alerts and choking, coughing, crippling days. We have for too long, as a society and as a community, tolerated the endless debate, the endless stalling, the endless politics and economic pressures that have made a mockery of smog-control.

Listen to Dr. Arthur M. Grossman, a physician, a professor, a member of the Los Angeles County Medical Association's Committee on Environmental Health. He speaks for 10,000 concerned doctors:

"I think in the very near future, possibly this month, the increasing air pollution, or

in April or May of 1968, that we will experience a national air pollution disaster of some sort, and in retrospect all the politicians will be wailing that they didn't know about it. They know about it now, because they have here been informed by the Medical Association."

It is KABC Radio's belief that when 10,000 doctors in one community sound a warning like that, we had better listen:

"I know that there are people that are so indifferent to the health needs of a country or a community or their own health needs for their family, that they would ignore all warnings of the medical profession which has no ax to grind except for the health of the people."

Write or wire President Johnson, Senator Kuchel, Senator Murphy, and your Congressman or if you wish, write to us, KABC Radio Editorials; Los Angeles 16.

We will see to it that your cards and letters are placed before the President. Demand action, now. We have no wish to sound alarmist . . . but apparently those who represent us are not going to listen, unless we speak. Loudly and now!

FIVE MINUTES TO LIVE—IV

The air we breathe in Los Angeles today is deadly. Our skies are thick with filthy emissions that choke and cripple and kill us. It is KABC Radio's belief that the time has come to demand action, at the highest levels, to curb this proliferating menace. We have for too many years spent too little money, taken too little notice of the impending crisis, listened too patiently to the soft-speaking specialists who suggest: "There is yet time. There is no need to rush . . . to end this health-menace called Smog." Listen to Dr. Arthur M. Grossman, pediatrician, professor and spokesman for 10-thousand Los Angeles doctors:

"At the current rate at which exhaust controls are being placed on automobiles, and the current rate at which automobiles are being used, it will be 1974 before we can even stop the increasing rate of air pollution. And it will be 1984 before we have clean, breathable air. This means that within the next foreseeable five to seven years we can expect at some time or other a crisis so severe that fatalities may result directly from the effects of smog, and not indirectly as has resulted at other times."

Ten thousand Los Angeles physicians—members of the Los Angeles County Medical Association—are sounding that warning. It is time we listened. And it is time our President, our Congress and our State Government listened. It is time our politicians tell the special interests, the lobbyists, the "go slow" advocates to stand aside. KABC urges you to write or wire President Johnson, Senator Murphy, Senator Kuchel, your congressman, Governor Reagan, and your own district legislators demanding both federal and state action. Now! And if you wish, write to us: KABC Editorials, Los Angeles 16. We will see to it that your message gets to the White House!

FIVE MINUTES TO LIVE—V

Smog, the deadly pollutant that has corrupted our air and that menaces our lives and health, has been tolerated too long. It is KABC's belief that our federal and state officials, from President Johnson and Governor Reagan to Congress and the State Legislature, must be told—by all of us—that we are not now asking, but demanding, action to curb this crippler and killer.

We ask you to listen to the voice of a doctor, Arthur Grossman, whose business is attending to the lives and health of children. He speaks not just for himself, but for 10-thousand doctors in Los Angeles:

"It only takes about 15 to 20 years to develop changes in lung tissues of newborn infants due to breathing contaminated air. And I personally can foresee that any child

born in the next 5 to 7 years is going to experience a great increase in the number of respiratory infections that affect children. And I think this will be due not indirectly but directly to air pollution or environmental contamination of our atmosphere."

Dr. Grossman—who is a pediatrician, a professor and a spokesman for 10-thousand Los Angeles doctors, has more to say, and we had better listen:

"The two generations of children we have raised since 1945 have been breathing the contaminated air and no one can even begin to predict the deadly effects on lung tissues of these young people and their children. I would say we must move now, act now. Don't be quiet. I'd become belligerent if I could. We are all trying in the medical profession to impress people with the fact that although you can live for five weeks without food, for five days without water, you can live for only five minutes without air."

Make no mistake about it. Dr. Grossman, KABC Radio, and the 10-thousand physicians who have warned this nation that we face a crisis-in-health and a potential national tragedy . . . all of us will be accused of sensationalism and of demanding too much, too soon. But the color of the skies and the poison of the air we breathe demands that we speak out; and now

For too long, too many of us have been guilty of asking "What can we do?" We can do something. We can all write or wire President Johnson, our Senators, our Governor, our representatives in Washington and in our districts, demanding immediate action at both the federal and state levels. We can, all of us, demand that President Johnson stop Congress from passing a pending law that would forbid California from enacting legislation any stronger than the national legislation which might apply to Minnesota or Maine.

All of the skies of this land are being polluted; but almost nowhere else is it as bad as it is here in Los Angeles. We must not allow Congress to deprive California of its right to enact strong laws to curb the pollution of air by the automobile. If you want to be heard, write to us: KABC Editorials, Los Angeles 16. We will see to it that your cards and letters are delivered to the White House.

FIVE MINUTES TO LIVE—VI

As our regular KABC listeners know, we are speaking out as forcefully as we know how against this killer called Smog. In a series of editorials which we call 'Five Minutes to Live', we point out that we of Los Angeles and we of this nation have waited long enough for action to stop the increasing incidence of air pollution.

We have quoted a spokesman for ten-thousand concerned Los Angeles doctors, who are warning us: We must immediately demand that the automobile quit polluting the air we breathe. We can send rockets to the moon and around Venus. KABC refuses to believe we cannot curb the killing fumes sent forth by cars.

Those who caution "patience" and urge us not to expect "too much, too soon" have had their way long enough. KABC agrees with the Los Angeles county board of supervisors, which has asked that the appropriate congressional committees call for a report from the automotive industry on its research progress in developing safe and effective smog control devices.

KABC also agrees with County Smog Control Officer Louis Fuller who says we must move now in turning back the deadly tide polluting our air. And KABC says Congress must not pass Senate Bill 780 which would deny California the right to at least set its own control standards, which would be stronger than proposed federal standards. KABC agrees also with those who have criticized legislation passed in Sacramento this year which emerged toothless and which served only to pacify the public.

KABC disagrees with claims that smog

can best be reduced by waiting for the auto and oil industries to come up with their own answers.

You and I must demand that legislation be enacted to control not only crankcase and exhaust emissions . . . but the air pollutants sent up by gas tanks and carburetors and used cars that have never changed bands and every other source. The alternative is an alternative we dare not accept:

"We doctors are getting a little more and more upset. At least 10,000 physicians who make up the Los Angeles County Medical Association have stated just recently that a crisis is imminent, and demand that every appropriate action, however drastic, be immediately taken to stop all air pollution. It is my feeling that the current crop of babies who are the second generation to be raised in a polluted atmosphere, the worst in recorded history, that if this generation continues to breathe the foul air, at least in this community of ours, that at least another 50,000 of these babies will be dead as a result, indirectly or directly, of the aerial contamination we call smog."

The voice of Dr. Arthur Grossman, physician to children and spokesman for 10,000 concerned Los Angeles physicians:

"Although you can live for five weeks without food, and for five days without water, you can live for only five minutes without air."

KABC believes we must kill Smog before it kills us.

Equality of Justice for the Poor

EXTENSION OF REMARKS OF

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1967

Mr. HAWKINS. Mr. Speaker, recently attacks have been made on the California Rural Legal Assistance Project, a program to assist the rural poor to obtain equal access to the protection of law by being provided legal services.

The Santa Barbara News-Press, in an editorial entitled "Equality of Justice for the Poor," has rendered a great service to California and the Nation in disclosing the hypocrisy of these attacks.

It seems ironic that in these days when certain so-called responsible leaders glibly denounce violence in our streets that they would want to seal off legal remedies from the unfortunate victims of neglect and poverty. It raises a question of who is really responsible, morally and legally, for disorders in our country.

The editorial follows:

[From the Santa Barbara (Calif.) News-Press, Oct. 3, 1967]

EQUALITY OF JUSTICE FOR THE POOR

Governor Reagan's attack upon the California Rural Legal Assistance association, a non-profit group that receives federal funds from the Office of Economic Opportunity (antipoverty agency), is stirring up an issue that has more than regional or partisan implications.

The legal assistance group (CRLA) was formed and funded by OEO primarily to provide counsel for poor people with less than \$200 a month income so they could have their rights protected in wage claims or other civil cases. It has worked closely with farm labor union officials and lawyers in many cases, but technically represents only individuals who are unable to hire their own lawyers.

Its legal staff aroused the ire of the Governor in three specific actions, and he has

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
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Issued June 6, 1968
For actions of June 5, 1968
90th-2nd; No. 96

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HIGHLIGHTS: House committee voted to report potato marketing, Cradle of Forestry, and watershed construction bills. Senate subcommittee approved International Grains Arrangement.

HOUSE

1. POTATOES; FORESTRY; WATERSHEDS. The Agriculture Committee voted to report (but did not actually report) H. R. 15030, amended, the potato research and promotion bill; S. 2837 in lieu of H. R. 14157, to establish the Cradle of Forestry; and S. 2276, to permit contracts for works of improvement in watershed projects.
p. D518

2. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 5117, amended, the Palmetto Bend reclamation project, Tex.; and S. 1251, to make certain reclamation project expenses nonreimbursable. p. D518
3. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee approved for full committee action H. R. 13844, to grant time off to Federal employees to arrange funerals of their children lost in hostile military action; ~~H. R. 16558, to promote the effective use of the Civil Service Commission revolving fund; and H. R. 10912, retirement financing and increased benefits.~~ p. D518
4. PEACE CORPS. The Foreign Affairs Committee reported without amendment H. R. 15087, to authorize the further amendment of the Peace Corps Act (H. Rept. 1519). p. H4582
5. BUILDINGS; PROPERTY. The Rules Committee reported a resolution for the consideration of H. R. 16981, to limit the use for demonstration purposes of any federally owned property in D. C., requiring the posting of bond. p. H4582
6. APPROPRIATIONS. The Appropriations Committee was granted until midnight, Fri., June 7, to file a privileged report on the second supplemental appropriation bill for 1968. p. H4545
7. ARTS AND HUMANITIES. Agreed, 194-166, to the conference report on H. R. 11308, to amend the National Foundation on the Arts and Humanities Act of 1965 to authorize funding through fiscal year 1970, and make certain other changes of a technical nature. Under the conference report, the aggregate of funds appropriated to match private gifts for these next 2 fiscal years cannot exceed \$13.5 million. This bill will now be sent to the President. pp. H4546-50

SENATE

8. APPROPRIATIONS. The "Daily Digest" states the Appropriations Committee, "in executive session, marked up and ordered favorably reported with amendments H. R. 16489, fiscal 1969 appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. As approved by the committee the bill would provide a total of \$8,158,877,000, an increase of \$3,253,000 over the House-passed figure of \$8,155,624,000.
"Prior to this action, subcommittee approved this bill for full committee consideration." p. D516
9. GRAINS. A subcommittee of the Foreign Relations Committee approved for full committee consideration the proposed International Grains Arrangement (Ex. L, 90th Cong., second sess.). p. D516

DIGEST of Congressional Proceedings

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OFFICE OF BUDGET AND FINANCE
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Issued June 13, 1968
For actions of June 12, 1968
90th-2nd; No. 100

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HIGHLIGHTS: See page 4

HOUSE

1. SCENIC RIVERS. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action H. R. 8416, amended, to provide for a national scenic rivers system. p. D544
2. EXPORT-IMPORT BANK. Passed with amendment H. R. 16162, to authorize the Export-Import Bank of the United States to use \$500 million of its present statutory lending authority to facilitate through loans, guarantees, and insurance those export transactions which, in the judgment of the Board of Directors of the Bank, offer sufficient likelihood of repayment to justify the Bank's support in order to actively foster the foreign trade and long-term commercial interests of the United States. pp. H4906-18

3. TRANSPORTATION. Agreed to the conference report on H. R. 15190, to extend to Dec. 1, 1970, the time in which a commission must complete its study and make its recommendations to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans and increase the amount authorized for the study from \$17.5 to \$24 million. This bill will now be sent to the President. p. H4901
4. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 13844, amended, to grant time off for employees to arrange funerals of their children lost in hostile military action; and H. R. 16558, amended, to promote the effective use of the Civil Service Commission revolving fund. p. D545
5. TAXATION; EXPENDITURES. Rep. Ottinger stated the administration's tax bill brings into focus the critical nature of our national fiscal situation and the need to select appropriate steps to set our fiscal house in order." He summarized his discussion by calling for "an immediate moratorium on new public works projects and highway starts, termination of the agricultural subsidy and major reductions in the space, military construction, and defense budgets." pp. H4928-31
6. OLDER AMERICANS. Both Houses received from HEN a proposed bill to strengthen and improve the Older Americans Act of 1965; to House Education and Labor and Senate Labor and Public Welfare Committees. pp. H4932, S7094
7. ADJOURNMENT. Rep. Albert announced that "we plan to adjourn at the close of business on Wednesday, the 3d of July, preceding the 4th of July, until Monday noon following the 4th of July." p. H4891

SENATE

8. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 16489, the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies appropriation bill, 1969. This bill will now be sent to the President. pp. S7134-38, H4892-4900
9. HIGHWAYS. The Appropriations Committee voted to report without amendment (but did not actually report) H. J. Res. 1268, making supplemental appropriations for fiscal year 1968 for highways and certain claims. p. D542
10. CREDIT UNIONS. The Banking and Currency Committee reported with amendments H. R. 6157, to permit Federal employees to purchase shares of Federal- or State-chartered credit unions through voluntary payroll allotment (S. Rept. 1228). p. S7096
11. SURPLUS PROPERTY. The Government Operations Committee reported without amendment S. 1974, to make foreign generated surplus property available to domestic agencies (S. Rept. 1229). p. S7096
12. INFORMATION. The Commerce Committee reported with amendments H. R. 6279, to provide for the collection, compilation, critical evaluation, publication, and sale of standard reference data (S. Rept. 1230). p. S7096

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HIGHLIGHTS: House Rules Committee cleared farm bill and conference report on tax and expenditure-control bill. House passed bill to provide fringe benefits for 100 county committee employees. House committee voted to report school lunch bill. Senate subcommittee approved intergovernmental cooperation bill.

HOUSE

1. FARM PROGRAM. The Rules Committee reported a resolution for the consideration of H. R. 17126, to amend the Food and Agriculture Act of 1965. p. H5095
2. TAXATION; EXPENDITURES. The Rules Committee reported a resolution for the consideration of the conference report on H. R. 15414, the revenue and expenditure control bill. p. H5095
3. COUNTY COMMITTEES. Passed, 353-13, with amendments S. 1028, to extend certain benefits to former employees of county committees (pp. H5054-5, H5059-66). Rejected, 136-228, a motion by Rep. Derwinski to recommit the bill (pp. H5064-66). For provisions of the bill see Digest 83.
4. SCHOOL LUNCHES. The Education and Labor Committee voted to report (but did not actually report) H. R. 17873, amended, to amend the National School Lunch Act. p. D567
5. PERSONNEL. The Post Office and Civil Service Committee reported with amendments H. R. 13844, to grant time off for employees to arrange funerals of their children lost in hostile military action (H. Rept. 1560). p. H5095
6. WILDLIFE. The Rules Committee reported a resolution for the consideration of S. 322, to restrict the disposition of lands acquired as part of the national wildlife refuge system (H. Rept. 1564). p. H5095
7. RESEARCH. Concurred in Senate amendments to H. R. 15856, the NASA authorization bill (pp. H5052-3). This bill contains items for research, including that conducted in cooperation with this Department on earth resources satellites providing information on agriculture and forestry through remote sensing devices, including identification and analysis of crop species, soil types, crop conditions, environmental conditions, tree identification, forestry density, forest conditions, etc. This bill will now be sent to the President.
8. LANDS. Passed as reported H. R. 3306, to grant to the Pueblo de Taos Indians in New Mexico trust title to 50,000 acres of federally owned land which the United States took from the Indians without the payment of any compensation. pp. H5054-9
Passed without amendment H. R. 17320, to authorize the Secretary of Agriculture to grant an easement over certain lands to the Saint Louis-San Francisco Railway Company. pp. H5050-1
9. HIGHWAYS. The Public Works Committee voted to report (but did not actually report) H. R. 17134, the 1970-1 highway authorization bill. p. D568
10. ECONOMY. Rep. Conte stated "a combination of events has brought us today to a critically dangerous financial position," which he said demanded "an immediate enactment of the tax increase--expenditure cuts and a continuation of our important social programs." He inserted several editorials on the subject. pp. H5071-5
11. CENSUS. Rep. Olsen called the "attacks" against the Census Bureau questions "unwarranted and ill-conceived." pp. H5075-82

PAID LEAVE FOR FEDERAL EMPLOYEES

JULY 19, 1968.—Ordered to be printed

Mr. MONRONEY, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 13844]

The Committee on Post Office and Civil Service, to which was referred the bill (H.R. 13844) to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSE

This legislation will provide up to 3 days' paid leave so that a Federal employee may make arrangements for or attend the funeral of an immediate relative who dies as a result of combat service; and will provide up to 22 days' paid leave for an employee who is called to active duty in the Reserves or the National Guard for the purpose of enforcing the law.

FUNERAL LEAVE

As referred to the committee from the House of Representatives, the bill provided up to 3 days' paid leave to any employee whose immediate relative dies while on duty in the Armed Forces. The committee has amended the bill so that it will apply only in cases in which the immediate relative dies as a result of injuries or diseases suffered while on active duty in a combat zone. The committee believes the authority granted in the House version is too broad.

Under existing law and regulation, agencies may grant paid leave to employees in certain cases not chargeable to annual leave or leave without pay. Current civil service regulations (FPM 630-25) suggests occasions when such "administrative leave" may be granted, but Commission regulations are not binding.

Provisions of this bill will grant the Civil Service Commission clear regulatory authority applicable to all executive agencies and the government of the District of Columbia to permit up to 3 days leave. The committee's intent in amending the House bill is to limit cases of leave to those instances where the Federal Government as an employer has a responsibility to the employee to assist him by granting paid leave to make funeral arrangements for an immediate relative who died in or as a result of combat while serving that same Federal Government.

The arrangement of funerals and the attendance of funerals of immediate relatives who have been killed while fighting in the U.S. Armed Forces is an extraordinary and compassionate circumstance, which the committee believes justifies this additional paid leave.

MILITARY LEAVE

Federal employees who are members of the Reserves or the National Guard are now granted up to 15 days paid leave without reduction in pay for summer training. Most agencies, by regulation, grant 10 working days leave for this purpose. Since civil disturbances have occurred in several major cities, Reserve units and National Guard units have been called for active duty on several different occasions. Employees who are so activated must take annual leave or go on leave without pay. For commissioned officers who earn high salaries in the military service this is no hardship, but for enlisted men, who in private life may earn substantially more than their pay as Guardsmen or reservists, the case is different. A postal employee who is called to active duty for several weeks to enforce the law suffers a serious hardship financially which present law cannot rectify.

The military leave provisions of this legislation resolve this problem by authorizing up to 22 days paid leave when the Federal employee in the Guard or Reserves is activated for either Federal or State service to enforce the law. His salary earned as a Guardsman will be deducted from his civilian pay so that, unlike summer training periods, dual compensation will not occur.

The committee has learned that Federal agencies generally do not exercise the authority to grant as much as 15 days paid leave for summer camp or other Reserve or Guard training. Recently, some summer training programs have been extended to 3 weeks. Employees who regularly work on Saturday or Sunday are now required to take annual leave to attend Guard or Reserve drills or training.

The Civil Service Commission should investigate the need for revising agency procedures to permit employees more paid leave for military training. Conditions have changed since the enactment of the present law on military leave (Public Law 80-153; 61 Stat. 239) which permits up to 15 days leave. The Commission should report to the committee at the beginning of the 91st Congress as to present agency practice and the need, if any, for legislation or additional regulatory authority on this subject.

RELEVANT PROVISIONS OF LAW ON MILITARY LEAVE

(Title 10, United States Code)

§ 331. Federal aid for State governments.

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

§ 333. Interference with State and Federal law. authority.

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

§ 333. Interference with State and Federal law.

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

§ 3500. Army National Guard in Federal service: call.

Whenever—

(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the Army National Guard of any State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States, the Territories, Puerto Rico, and the Canal

Zone, and, in the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

§ 8500. Air National Guard in Federal service: call.

Whenever—

(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the Air National Guard of any State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States, the Territories, Puerto Rico, and the Canal Zone, and, in the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in *italic*):

TITLE 5, UNITED STATES CODE

* * * * *

CHAPTER 55—PAY ADMINISTRATION

* * * * *

SUBCHAPTER II—WITHHOLDING PAY

- 5511. Withholding pay; employees removed for cause.
- 5512. Withholding pay; individuals in arrears.
- 5513. Withholding pay; credit disallowed or charge raised for payment.
- 5514. Installment deduction for indebtedness because of erroneous payment.
- 5515. Crediting amounts received for jury service in State courts.
- 5516. Withholding District of Columbia income taxes.
- 5517. Withholding State income taxes.
- 5518. Deductions for State retirement systems; National Guard employees.
- 5519. *Crediting amounts received for certain Reserve or National Guard service.*

* * * * *

§ 5519. Crediting amounts received for certain Reserve or National Guard service

An amount (other than a travel, transportation, or per diem allowance) received by an employee or individual for military service as a member of the Reserve or National Guard for a period for which he is

entitled to leave under section 6323 (c) or (d) of this title shall be credited against the pay payable to the employee or individual with respect to his civilian position for that period.

CHAPTER 63—LEAVE

SUBCHAPTER II—OTHER PAID LEAVE

Sec.

6321. Absence of veterans to attend funeral services.

6322. Leave for jury service.

6323. Military leave; Reserve and National Guardsmen.

6324. Absence of certain police and firemen.

6325. Absence resulting from hostile action abroad.

6326. Absence in connection with funerals of immediate relatives in the Armed Forces.

§ 6323. Military leave; Reserves and National Guardsmen

(a) An employee as defined by section 2105 of this title (except a substitute in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss of pay, time, or performance or efficiency rating for each day, not in excess of 15 days in a calendar year, in which he is on active duty or is engaged in field or coast defense training under sections 502–505 of title 32 as a Reserve of the armed forces or member of the National Guard.

(b) A substitute employee in the postal field service is entitled to leave without loss of pay, time, or efficiency rating for absence, not in excess of 80 hours in a calendar year, because of active duty or field or coast defense training under sections 502–505 of title 32 as a Reserve of the armed forces or member of the National Guard. This leave is on the basis of 1 hour of leave for each period aggregating 26 hours of work performed during the calendar year immediately before the calendar year in which he is ordered to that duty or training. However, he is entitled to this leave only if he worked at least 1,040 hours during that calendar year.

(c) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title (except a substitute employee in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32; and

(2) performs, for the purpose of providing military aid to enforce the law—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year.

(d) Except as provided in section 5519 of this title, a substitute employee in the postal field service who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law—

(A) Federal service under sections 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

(3) has worked at least 1040 hours, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2)(A) or (B) of this subsection;

is entitled, during and because of such service, to leave without loss of, or reduction in, as a substitute employee in the postal field service, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection—

(i) shall not exceed 160 hours in a calendar year; and

(ii) shall accrue on the basis of 1 hour of leave for each period aggregating 13 hours of service performed, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2)(A) or (B) of this subsection.

* * * * *

§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

(a) An employee of an Executive agency or an individual employed by the government of the District of Columbia is entitled to not more than 3 days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

(b) The Civil Service Commission is authorized to issue regulations for the administration of this section.



Union Calendar No. 620

90TH CONGRESS
2D SESSION

H. R. 13844

[Report No. 1560]

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 1967

Mr. DULSKI introduced the following bill; which was referred to the Committee on Post Office and Civil Service

JUNE 18, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That ~~(a)~~ subchapter II of chapter 63 of title 5, United
4 States Code, is amended by adding at the end thereof the
5 following new section:

1 “§ 6325. Absence of employees of executive agencies in
2 connection with the funerals of their sons and
3 daughters killed in action with the United
4 States Armed Forces

5 “(a) An employee in or under an executive agency is
6 entitled to be excused from duty, for a period of not to
7 exceed three days, without reduction in pay, service credit,
8 performance or efficiency rating, or annual and sick leave to
9 which such employee otherwise is entitled, to attend and
10 make necessary arrangements in connection with the funeral
11 of his son or daughter who, as a member of the Armed
12 Forces of the United States, in an overseas area, as design-
13 ated by the President, died in or as a result of—

14 “(1) action by the Armed Forces of the United
15 States against an enemy of the United States;

16 “(2) operations by the Armed Forces of the United
17 States involving armed conflict with a hostile foreign
18 force, or

19 “(3) service with a friendly foreign force in an
20 armed conflict in which the United States is not a
21 belligerent.

22 “(b) As used in this section—

23 “(1) ‘son’ includes stepson and adopted son, and

24 “(2) ‘daughter’ includes stepdaughter and adopted
25 daughter.”.

1 ~~(b)~~ The table of contents of chapter 63 of title 5, United
 2 States Code, is amended by adding at the end thereof—

~~“6325. Absence of employees of executive agencies in connection with the
 funerals of their sons and daughters killed in action with the
 United States Armed Forces.”.~~

3 That (a) subchapter II of chapter 63 of title 5, United States
 4 Code, is amended by adding at the end thereof the following
 5 new section:

6 “§ 6326. *Absence in connection with funerals of immediate*
 7 *relatives who died while on duty with the*
 8 *Armed Forces*

9 “(a) For the purpose of this section, ‘employee’ means—

10 “(1) an employee in or under an Executive agency;
 11 and

12 “(2) an individual employed by the government of
 13 the District of Columbia.

14 “(b) Under such regulations as the Civil Service Com-
 15 mission shall prescribe, an employee is entitled to leave with-
 16 out loss of, or reduction in, pay, leave to which he otherwise
 17 is entitled, credit for time or service, or performance or effi-
 18 ciency rating, to make arrangements for and attend the
 19 funeral of, or memorial service for, an immediate relative who
 20 died while on duty as a member of the Armed Forces.

21 “(c) The regulations prescribed by the Commission under
 22 this section shall include provisions—

1 “(1) defining ‘immediate relative’; and

2 “(2) setting forth criteria under which the head of
3 the employing agency or his designee may determine the
4 amount of leave, not to exceed 3 days, to be granted
5 to an employee.”.

6 (b) The table of contents of chapter 63 of title 5, United
7 States Code, is amended by inserting the following new item
8 immediately below item 6325:

 “6326. Absence in connection with funerals of immediate relatives who
 died while on duty with the Armed Forces.”.

9 SEC. 2. (a) Section 6323 of title 5, United States Code,
10 is amended by adding at the end thereof the following new
11 subsections:

12 “(c) Except as provided by section 5519 of this title, an
13 employee as defined by section 2105 of this title (except a
14 substitute employee in the postal field service) or an individual
15 employed by the government of the District of Columbia, per-
16 manent or temporary indefinite, who—

17 “(1) is a member of a Reserve component of the
18 Armed Forces, as described in section 261 of title 10,
19 or the National Guard, as described in section 101 of
20 title 32; and

21 “(2) performs, for the purpose of providing mili-
22 tary aid to enforce the law—

23 “(A) Federal service under section 331, 332,

3500, or 8500 of title 10, or other provision of law,
as applicable, or

“(B) full-time military service for his State,
the District of Columbia, the Commonwealth of
Puerto Rico, the Canal Zone, or a territory of the
United States;

is entitled, during and because of such service, to leave with-
out loss of, or reduction in, pay, leave to which he otherwise
is entitled, credit for time or service, or performance or
efficiency rating. Leave granted by this subsection shall not
exceed 22 workdays in a calendar year.

“(d) Except as provided in section 5519 of this title,
a substitute employee in the postal field service who—

“(1) is a member of a Reserve component of the
Armed Forces, as described in section 261 of title 10,
or the National Guard, as described in section 101 of
title 32;

“(2) performs, for the purpose of providing mili-
tary aid to enforce the law—

“(A) Federal service under section 331, 332,
3500, or 8500 of title 10, or other provision of law,
as applicable, or

“(B) full-time military service for his State,
the District of Columbia, the Commonwealth of

1 *Puerto Rico, the Canal Zone, or a territory of the*
2 *United States;*

3 *and*

4 “(3) *has worked at least 1040 hours, as a substitute*
5 *employee in the postal field service, during the calendar*
6 *year immediately before the calendar year in which he*
7 *performs service described in subparagraph (2) (A) or*
8 *(B) of this subsection;*

9 *is entitled, during and because of such service, to leave with-*
10 *out loss of, or reduction in, as a substitute employee in the*
11 *postal field service, pay, leave to which he otherwise is entitled,*
12 *credit for time or service, or performance or efficiency rating.*
13 *Leave granted by this subsection—*

14 “(i) *shall not exceed 160 hours in a calendar year;*

15 *and*

16 “(ii) *shall accrue on the basis of 1 hour of leave for*
17 *each period aggregating 13 hours of service performed,*
18 *as a substitute employee in the postal field service, dur-*
19 *ing the calendar year immediately before the calendar*
20 *year in which he performs service described in subpara-*
21 *graph (2) (A) or (B) of this subsection.”.*

22 *(b) Subchapter II of chapter 55 of title 5, United States*
23 *Code, is amended by adding at the end thereof the following*
24 *new section:*

1 “§ 5519. *Crediting amounts received for certain Reserve*
 2 *or National Guard service*

3 “*An amount (other than a travel, transportation, or per*
 4 *diem allowance) received by an employee for military serv-*
 5 *ice as a member of the Reserve or National Guard for a*
 6 *period for which he is entitled to leave under section 6323 (c)*
 7 *or (d) of this title shall be credited against the pay payable to*
 8 *the employee with respect to his civilian position for that*
 9 *period.”.*

10 (c) *The table of contents of subchapter II of chapter 55*
 11 *of title 5, United States Code, is amended by inserting—*

“5519. Crediting amounts received for certain Reserve or National Guard
service.”

12 *immediately below—*

“5518. Deductions for State retirement systems; National Guard em-
ployees.”.

Amend title so as to read: “A bill to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes.”.

[Report No. 1560]

A BILL

To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

By Mr. DULSKI

NOVEMBER 2, 1967

Referred to the Committee on Post Office and Civil Service

JUNE 18, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 2, 1968
For actions of July 1, 1968
90th-2nd; No. 113

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HIGHLIGHTS: House passed school lunch bills and Cradle of Forestry bill. House committee voted to report FHA loan and dairy indemnity bills. House Rules Committee cleared housing bill. House received conference report on second supplemental appropriation bill. House debated road authorization bill. Rep. Madden spoke against extension of farm program. Senate passed scenic trails bill. Senate passed road authorization bill. Senate committee voted to report wilderness bills. Rep. May introduced and discussed food stamp bill. Sen. Talmadge introduced and discussed peanut marketing bill.

HOUSE

1. APPROPRIATIONS. Received the conference report on H. R. 17734, the second supplemental appropriation bill, 1968 (H. Rept. 1608) (pp. H5806-8). The explanatory statement of the managers on the part of the House relative to items in disagreement contains the following statement: "The Managers on the part of the House will offer a motion to concur in the amendment with an amendment to appropriate \$10,000,000 for the school lunch program authorized by P. L. 90-302, instead of \$32,000,000 as proposed by the Senate." For other provisions see Digest 106.
2. SCHOOL LUNCHESES. Passed, 274-78, under suspension of the rules H. R. 17872, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced meals to needy children not now being reached; and 352-0, under suspension of the rules H. R. 17873, to clarify responsibilities related to providing free and reduced-price lunches and preventing discrimination against children, to strengthen the nutrition training and education benefits of the program, and otherwise to strengthen school food service programs for children. pp. H5808-23
3. FORESTRY. Passed, 279-71, under suspension of the rules S. 2837, to establish within and as a part of the Pisgah National Forest, N. C., the Cradle of Forestry, to contain approximately 6800 acres, in order to preserve, develop, and make available to the public the birthplace of forestry and forestry education in America. pp. H5823-27
4. MILITARY CONSTRUCTION. Conferees were appointed on H. R. 16703, the military construction authorization bill (includes CCC debt payment for prior years military family housing overseas). Senate conferees have been appointed. p. H5806
5. ALASKA LANDS. Passed without amendment S. 1059, to allow leases to be made under the Alaska Grazing Act for as much as 55 years instead of the present maximum of 20 years and thus assist and encourage the development of the live-stock industry in Alaska. This bill will now be sent to the President. pp. H5804-6
6. PERSONNEL. Passed under suspension of the rules H. R. 13844, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U. S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force. pp. H5830-32
7. HIGHWAYS. Began debate on H. R. 17134, the 1970-71 highway authorization bill. pp. H5832-54
8. FHA LOANS; DAIRY INDEMNITY. The Agriculture Committee voted to report (but did not actually report) H. R. 18209, to provide for loans to supplement farm income and to provide for additional recreation loans, extend the period for

in overnight service in the United States. I urge approval of this bill.

Mr. GROVER. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I wish to join my colleagues on our Committee on Merchant Marine and Fisheries in urging the passage of the bill, H.R. 15714.

This is a very simple bill. All it seeks to accomplish is to amend sections 4 and 5 of Public Law 89-777 so as to extend the effective date of compliance with certain structural fire protection requirements for U.S. passenger vessels operating on the inland rivers and waterways for 2 years from November 1, 1968, to November 1, 1970.

As a practical matter, the only known U.S. passenger vessel which this legislation would effect is the river steamer *Delta Queen*, which operates on the Mississippi and Ohio Rivers. There have been unforeseen delays in financing and constructing a vessel to replace the *Delta Queen* which will meet the higher safety standard imposed by Public Law 89-777. The time extension provided by this bill therefore is necessary in order to enable the operator of the *Delta Queen* to continue in business until such time as the replacement vessel is available for service.

In view of the special circumstances surrounding this particular situation and recognizing the economic hardship involved if relief is not granted to the *Delta Queen*, your Committee on Merchant Marine felt that the 2-year extension was neither unreasonable nor against the public interest. However, it should be made crystal clear that this singular exception in no way detracts from the continuing interest of your Committee on Merchant Marine in improving maritime safety standards so as to protect the American public. As a matter of fact, it would be my personal hope that, during this 2-year grace period granted to the *Delta Queen*, the Coast Guard will closely watch and scrupulously inspect the vessel and its operations.

Mr. Speaker, subject to these comments, I urge that the bill, H.R. 15714, be favorably considered and do pass.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GROVER. Yes, I am happy to yield to the distinguished gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Can this old vessel be sailed through the arch which was recently constructed at St. Louis?

Mr. GROVER. I shall have to yield to the distinguished gentlewoman from Missouri [Mrs. SULLIVAN] for an answer to that question.

Mrs. SULLIVAN. If the gentleman will yield, I do not believe they could sail it through the arch, but they did come into St. Louis last Saturday with great pomp and ceremony and docked right at the foot of the arch. This gave the 179 passengers on the steamboat, out of a 200 capacity the opportunity during the day and the night to see the wonders of St. Louis.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, the *Delta Queen* does not burn cobs or wood, does it?

Mrs. SULLIVAN. Mr. Speaker, if the gentleman from New York will yield to me for a response to that question? No, it does not. It uses oil.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from Iowa.

Mr. KYL. Is the *Delta Queen* a safe and seaworthy vessel at this time?

Mr. GROVER. It is my understanding that it is probably as safe as most of the vessels presently operating on the inland waterways which are not subject to the international safety types of requirements.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from Iowa.

(Mr. SCHERLE asked and was given permission to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, I also would like to lend my support to the retention of this vessel for another 2 years.

After returning from overseas in 1944, I had the privilege of serving as a river pilot on the Ohio and Mississippi Rivers with the military. The discussion concerning the *Delta Queen* here this afternoon brings back many fine memories and I would certainly hope that the House of Representatives would vote to retain the *Delta Queen* at least until another one is built.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from California.

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, I would like to join in the remarks of those who have indicated support for this extension.

I am sure we have involved here a sense of nostalgia.

Mr. Speaker, the *Delta Queen*, together with the sister ship, the *Delta King*, originally operated on the Sacramento River in California. As a student, I recall many happy trips from San Francisco to Sacramento on this very fine boat.

Mr. Speaker, I certainly hope that it is continued in operation at least for this period of time which has been requested.

Mr. Speaker, if the gentleman will yield further, I would say to my good friend, the gentleman from Iowa, that it is an excellent boat and a most enjoyable one on which to spend leisure time.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. GROVER. I yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am delighted to hear that. I just wondered if she was used during the California gold rush?

Mrs. SULLIVAN. Mr. Speaker, if the gentleman from New York will yield further to me; no, but she would have been and would have made a worthy con-

tribution at that time had she been in operation.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Pennsylvania [Mr. CLARK] that the House suspend the rules and pass the bill, H.R. 15714, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend until November 1, 1970, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways."

Mr. CLARK. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from the further consideration of a similar Senate bill (S. 3102), and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5 of the Act entitled "An Act to require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes", approved November 6, 1966 (Public Law 89-777), is amended by (1) inserting "(a)" after "Sec. 5."; (2) striking out the second and fourth sentences thereof; and (3) adding at the end thereof the following new subsection:

"(b) The new subsection (c) of section 4400 of the Revised Statutes shall take effect on November 2, 1970, with respect to domestic passenger vessels operating solely on the inland rivers and waterways. Such subsection (c) shall take effect with respect to other passenger vessels on the date when the recommended amendments to the International Convention for the Safety of Life at Sea, 1960, come into force, but in any case not later than November 2, 1968. Section 4 of this Act shall take effect on November 2, 1970, with respect to passenger vessels operating solely on the inland rivers and waterways and on November 2, 1968, with respect to other passenger vessels."

(b) The fourth sentence of subsection (b) of section 5 of the Act of May 27, 1936 (46 U.S.C. 369), is amended by striking out "After November 1, 1968, no" and inserting in lieu thereof "No"

AMENDMENT OFFERED BY MR. CLARK

Mr. CLARK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLARK: Strike out all after the enacting clause of S. 3102 and insert in lieu thereof the provisions of H.R. 15714, as passed, as follows:

"That the Act entitled 'An Act to require evidence of adequate financial responsibility to pay judgments for personal injury or to repay fares in the event of nonperformance of voyages, to establish minimum

standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes', approved November 6, 1966 (Public Law 89-777, 80 Stat. 1356 et seq.), is amended as follows:

"(1) Section 4 is amended by striking the date 'November 1, 1968' where appearing and inserting in lieu thereof 'November 1, 1970'.

"(2) Section 5 is amended by striking the date 'November 2, 1968' where appearing in the last sentence and inserting in lieu thereof 'November 2, 1970'.

"Amend the title so as to read: 'A bill to extend until November 1, 1970, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways.'"

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend until November 1, 1970, the period for compliance with certain safety standards in the case of passenger vessels operating on inland rivers and waterways."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15714) was laid on the table.

FEDERAL EMPLOYEES LEAVE FOR FUNERALS OF CERTAIN RELATIVES AND FOR NATIONAL GUARD DUTY

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13844) to amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U.S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes, as amended.

The Clerk read the bill, as follows:

H.R. 13844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 6326. Absence in connection with funerals of immediate relatives who died while on duty with the Armed Forces

"(a) For the purpose of this section, 'employee' means—

"(1) an employee in or under an Executive agency; and

"(2) an individual employed by the government of the District of Columbia.

"(b) Under such regulations as the Civil Service Commission shall prescribe, an employee is entitled to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating, to make arrangements for and attend the funeral of, or memorial service for, an immediate relative who died while on duty as a member of the Armed Forces.

"(c) The regulations prescribed by the Commission under this section shall include provisions—

"(1) defining 'immediate relative'; and

"(2) setting forth criteria under which the head of the employing agency or his designee may determine the amount of leave, not to exceed 3 days, to be granted to an employee."

(b) The table of contents of chapter 63 of title 5, United States Code, is amended by inserting the following new item immediately below item 6325:

"6326. Absence in connection with funerals of immediate relatives who died while on duty with the Armed Forces."

SEC. 2. (a) Section 6323 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title (except a substitute employee in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

"(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32; and

"(2) performs, for the purpose of providing military aid to enforce the law—

"(A) Federal service under section 331, 332, 3500, or 8500 of title 10, or other provision of law, as applicable, or

"(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year.

"(d) Except as provided in section 5519 of this title, a substitute employee in the postal field service who—

"(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

"(2) performs, for the purpose of providing military aid to enforce the law—

"(A) Federal service under section 331, 332, 3500, or 8500 of title 10, or other provision of law, as applicable, or

"(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

and

"(3) has worked at least 1040 hours, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection;

is entitled, during and because of such service, to leave without loss of, or reduction in, as a substitute employee in the postal field service, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection—

"(i) shall not exceed 160 hours in a calendar year; and

"(ii) shall accrue on the basis of 1 hour of leave for each period aggregating 13 hours of service performed, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection."

(b) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5519. Crediting amounts received for certain Reserve or National Guard service

"An amount (other than a travel, transportation, or per diem allowance) received

by an employee for military service as a member of the Reserve or National Guard for a period for which he is entitled to leave under section 6323 (c) or (d) of this title shall be credited against the pay payable to the employee with respect to his civilian position for that period."

(c) The table of contents of subchapter II of chapter 55 of title 5, United States Code, is amended by inserting—

"5519. Crediting amounts received for certain Reserve or National Guard service."

immediately below—

"5518. Deductions for State retirement systems; National Guard employees."

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

(Mr. HENDERSON asked and was given permission to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, I rise in support of H.R. 13844, as amended. This bill was introduced by my chairman, the Honorable THADDEUS J. DULSKI of New York.

PURPOSE

The purpose of this legislation is to provide additional leave for a Federal employee or for an employee of the government of the District of Columbia—

First. When the employee is excused to arrange or to attend the funeral or memorial service for an immediate relative who died while on duty as a member of the Armed Forces; and

Second. When the employee, who is a member of the Reserve or of the National Guard, performs, for the purpose of providing military aid to enforce the law, Federal military service or full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or any territory of the United States.

STATEMENT

This proposed legislation was ordered reported by unanimous vote of the Post Office and Civil Service Committee. The administration reports no objection to favorable consideration of this legislation. It is the opinion of the committee that no material additional cost will be incurred by the enactment of this legislation.

The Civil Service Commission recommended that certain technical corrections be included in any proposal that was favorably considered, and these recommendations have been embodied in the provisions as contained in the amendments recommended by the committee.

The committee believes—

First. That the enactment of the first section of the bill is needed to provide specific authorization in the law for an agency to grant up to 3 days leave to employees during their bereavement for an immediate relative who died while on duty with the Armed Forces, in order to overcome the uncertainties and confusion which now arise by reason of the requirement for each agency to decide that granting of administrative leave for

funerals of such immediate relatives, in each particular case, "is for the convenience of the Government"; and

Second. That the enactment of section 2 is needed to correct the inequitable requirement that employees use their annual vacation leave, or be placed on military furlough without pay, when they are required to serve with the Reserves or the National Guard to enforce the laws of our country.

LEAVE FOR FUNERALS

The Civil Service Commission, under existing law and regulation—5 U.S.C. 6104 and Executive Order 10552, August 10, 1954—establishes guidelines for agencies to provide uniformity in agency decisions granting administrative leave for Federal employees.

However, the authority of the Commission to regulate in the area of administrative leave is limited to advisory and suggestive action. In granting administrative leave, each agency has to determine that the administrative leave, in each case, is "for the convenience of the Governments."

Guidelines have been issued by the Commission for granting administrative leave for several purposes, such as for registration and voting, blood donations, and for certain military funerals.

Civil Service Regulation 630-25(f), issued on December 4, 1967, provides that "an employee may be excused to attend the funeral of an immediate member of his family killed in line of duty in the Armed Forces."

While agencies have been granting administrative leave on an individual case-by-case basis, depending on the circumstances involved, instances have been brought to the attention of the committee, such as one case where an employee was charged annual leave to attend the funeral of a son who had been killed while on active duty with the Armed Forces.

Distressing circumstances have arisen and the use of vacation leave has been required under the existing practice in cases where the son was not actually killed in line of duty, but was injured and died at a later date. Or, when a funeral was not involved, but memorial services were held, because no body had been found.

The enactment of this legislation will require all agencies to grant leave in these cases without the need to determine that the action is for "the convenience of the Government." It will permit the agencies to avoid distressing technical quibbling over whether a memorial service constitutes a funeral when no body has been found, and over whether the individual was killed in line of duty or died as a result of an injury received in line of duty.

LEAVE FOR DUTY WITH THE RESERVE OR NATIONAL GUARD

A Federal employee or an employee of the Government of the District of Columbia is currently entitled to leave, not in excess of 15 days in a calendar year, for active duty with the Reserve or National Guard—5 U.S.C. 6323. The 15 days generally are sufficient to cover only required participation during each year by such employees in training and en-

campments of maneuvers or the assembling for drills and instructions. As a result, any absences of such employees for military duties as a member of the Reserve or of the National Guard, other than for training, must be charged to annual vacation leave or military furlough without civilian pay.

As an example of the inequities that can arise, the committee was advised that in just one Government department in Washington alone, the city post office, at least 40 employees were required to use their annual vacation leave or be on military furlough without pay on 4 working days when they served with the National Guard during the civil disturbance in Washington during April 1968.

The committee is convinced that a Federal employee or an employee of the Government of the District of Columbia should not be subjected to the personal inconvenience of being required to use his vacation leave to answer a call to serve with the Reserve or the National Guard to support civil authority, nor should these employees be subjected to financial hardships which may occur when they are required to be on military furlough without pay.

This legislation will permit a limited absence of not to exceed 22 workdays—the equivalent of a 30-day calendar month—in any calendar year for these employees when ordered to perform military service as part of their civic duty. The leave to be granted under this legislation while performing military service will not accrue from year to year.

This particular leave benefit is supported by the National Guard Association and by the Reserve Officers Association.

COST

There are no records to show the number of deaths of Armed Services personnel who were the immediate relatives of Federal employees, and it is impossible to estimate the number of such deaths that may occur in the future. Accordingly, no meaningful cost estimate can be made for this section of the bill. It is, however, expected to be minimal. Further, compassion dictates our action, and a price tag cannot be put on the morale impact inflicted on a Federal employee losing a near relative as the result of armed conflict.

There are, likewise, no records to show the number of Federal employees who performed military service as members of the Reserve or as members of the National Guard for the purpose of providing military aid to enforce the law. However, the committee believes in this instance also that the additional cost that would be incurred would be of no great significance, particularly in view of the requirement that the amount of military pay received by such Federal employees for normal workdays be credited against their civilian pay.

Mr. Speaker, I urge the support of the Members for the passage of H.R. 13844.

The SPEAKER pro tempore. Does the gentleman from Iowa desire to use time?

Mr. GROSS. Mr. Speaker, I believe the gentleman from North Carolina has ex-

plained the bill. I have no requests for time, and I yield back the balance of my time.

Mr. HENDERSON. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee [Mr. DULSKI].

(Mr. DULSKI asked and was given permission to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, I want to compliment the subcommittee chairman and the members of committee for considering this bill.

Mr. Speaker, I am most pleased that our committee has taken such prompt action on my bill, H.R. 13844, to remove two major inequities concerning excused absences for Federal employees.

This bill will permit a Federal employee or an employee of the Government of the District of Columbia to be excused first, to arrange or to attend the funeral or memorial service for an immediate relative who died while on duty as a member of the Armed Forces; and second, when he is called as a member of the Reserve or of the National Guard for the purpose of providing military aid to enforce the law, either with a Federal unit or by his Governor as a part of a State unit.

Mr. Speaker, I want to express my sincere appreciation to the gentleman from North Carolina [Mr. HENDERSON], chairman of the Subcommittee on Manpower and Civil Service, and to the gentleman from Iowa [Mr. GROSS], ranking minority member, as well as to all members of our committee, for their courteous consideration to me, and the prompt action that they took in considering this legislation. The bill received the unanimous support of our committee.

I sponsored H.R. 13844, with the provisions relating only to funerals. I acted when I was advised by several groups that it had been necessary for a postal employee to be charged with annual leave for the time he needed to arrange for the funeral of his son, who had been killed in action in Vietnam.

Shortly after introduction of the bill, a postal employee, who also is a major in the New York Army National Guard, advised that when called to duty he was required to charge the absence for such National Guard duty to his annual vacation leave.

The same situation occurred here in the District of Columbia, affecting about 40 postal employees of the Washington city post office who are members of the District of Columbia National Guard.

They were required to use their annual vacation leave, or to be on military furlough without pay, on 4 working days last April when they were called to duty during the disturbances in Washington.

Mr. Speaker, we are well aware that regulations have been changed since I sponsored this bill, permitting an employee to attend the funeral of an immediate member of his family killed in line of duty with the Armed Forces.

Also, just last Wednesday, the Postmaster General announced that postal employees who are members of the National Guard will be granted up to 3 days' excused absence when a State Gov-

ernor calls them to service during a time of civil disorder.

The Postmaster General pointed out that Guard members are eligible for military leave when their units are called to service by the President.

The committee report on this legislation points out that this administrative action is totally inadequate under the existing circumstances.

For example, in connection with the funeral leave, the guidelines issued by the Civil Service Commission permit the excused absence to apply only when the individual is actually killed in line of duty. The guidelines do not cover the situation where the member of the immediate family may have been injured and died at a later date.

In the case of military leave, the law permits only 15 days during a particular calendar year. We all know that members of the Reserve and the National Guard are required to perform at least 15 days' training duty during a calendar year.

Thus, this would leave no excused days in the event the individuals are called up by the President or by the Governors to perform additional service.

Mr. Speaker, I commend the administration for the action it has taken to liberalize the authority for excusing our employees during these difficult times. However, the action taken is totally inadequate.

I am convinced that additional legislation is necessary to insure uniform treatment of our employees, and to provide the necessary legislative authority for our employees to be treated equally and adequately in two special circumstances:

First, when it is necessary for them to attend the funerals of immediate relatives who died while on duty as members of the Armed Forces;

And second, when they are required during civil disorder to serve with the Reserve or the National Guard, either as a member of a Federal unit or as a member of a State unit.

Mr. Speaker, I urge favorable consideration of H.R. 13844 by all Members here today.

Mr. CORBETT. Mr. Speaker, I wish to take only a few minutes to reinforce the remarks of my colleagues who preceded me in support of H.R. 13844.

This legislation is the product of sound and judicious effort on the part of our Subcommittee on Manpower and Civil Service and is unopposed by any of the Republican members of the committee.

With the committee amendments, this bill is designed to meet the need of additional leave for Federal employees under special circumstances. In the first instance, the legislation provides for additional leave, not to exceed 3 days, for employees to arrange or attend the funeral of an immediate relative who dies while on duty as a member of the Armed Forces. The second provision authorizes leave for employees who, as members of the Reserves or National Guard, are called to perform military aid to enforce the law.

Mr. Speaker, I will not dwell on the merits of the bill which I believe are evident. The committee was unanimous in its approval of this legislation and I therefore urge its prompt and unanimous approval by the House.

Mr. MACHEN. Mr. Speaker, I am pleased to support H.R. 13844, which includes language similar to that in a bill I introduced to provide more military leave for Federal employees who are activated in National Guard units or Reserve forces to maintain law and order during civil disturbances.

I introduced my bill, H.R. 16951, on May 1 this year after a large number of Federal employees brought to my attention the fact that they would be forced to take annual leave this year to go to summer training camps. Normally, they are allotted 15 days of military leave each year, but when they were activated to restore law and order during the April civil disturbances in Washington and Baltimore they lost most of their annual military leave. My legislation would provide 22 days military leave for duty during riots or civil disturbances.

H.R. 13844 was amended in the Post Office and Civil Service Committee to include similar provisions. At this point, I wish to commend the chairman of that committee, the gentleman from New York [Mr. DULSKI], and his committee colleagues for their prompt and responsive action on behalf of the Federal employees, and I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 13844, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1968

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1237 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1237

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17134) to authorize appropriations for the fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, the reading of the resolution makes it amply clear as to the purpose of this resolution. The resolution provides for 3 hours of general debate. It does provide for a waiver of points of order on the legislation.

I might say, Mr. Speaker, I propose to put into the RECORD some five specific reasons for the waiver of points of order.

I will be glad to answer any questions that any Member might have with reference to that.

Mr. Speaker, the Federal aid to highways program has now existed for many years as a cooperative venture conducted by the Federal and State Governments. That venture has provided the United States with a base on which it operates the most efficient system for the transportation of people, goods, and services that the world has ever known.

Mr. Speaker, I think it is timely of the Committee on Public Works to bring this matter to our attention, and I would urge the adoption of this resolution in order to permit the committee to discuss the subject.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman state why points of order were waived on this bill?

Mr. SISK. I stated that I was going to put into the RECORD a brief summary of the reasons. I can read them very

90TH CONGRESS
2D SESSION

H. R. 13844

IN THE SENATE OF THE UNITED STATES

JULY 2, 1968

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) subchapter II of chapter 63 of title 5, United States
- 4 Code, is amended by adding at the end thereof the following
- 5 new section:

1 “§ 6326. Absence in connection with funerals of immediate
2 relatives who died while on duty with the
3 Armed Forces

4 “(a) For the purpose of this section, ‘employee’
5 means—

6 “(1) an employee in or under an Executive
7 agency; and

8 “(2) an individual employed by the government of
9 the District of Columbia.

10 “(b) Under such regulations as the Civil Service Com-
11 mission shall prescribe, an employee is entitled to leave with-
12 out loss of, or reduction in, pay, leave to which he otherwise
13 is entitled, credit for time or service, or performance or effi-
14 ciency rating, to make arrangements for and attend the
15 funeral of, or memorial service for, an immediate relative
16 who died while on duty as a member of the Armed Forces.

17 “(c) The regulations prescribed by the Commission
18 under this section shall include provisions—

19 “(1) defining ‘immediate relative’; and

20 “(2) setting forth criteria under which the head of
21 the employing agency or his designee may determine
22 the amount of leave, not to exceed 3 days, to be granted
23 to an employee.”.

1 (b) The table of contents of chapter 63 of title 5, United
2 States Code, is amended by inserting the following new item
3 immediately below item 6325:

“6326. Absence in connection with funerals of immediate relatives who
died while on duty with the Armed Forces.”.

4 SEC. 2. (a) Section 6323 of title 5, United States Code,
5 is amended by adding at the end thereof the following new
6 subsections:

7 “(c) Except as provided by section 5519 of this title, an
8 employee as defined by section 2105 of this title (except a
9 substitute employee in the postal field service) or an indi-
10 vidual employed by the government of the District of Co-
11 lumbia, permanent or temporary indefinite, who—

12 “(1) is a member of a Reserve component of the
13 Armed Forces, as described in section 261 of title 10,
14 or the National Guard, as described in section 101 of
15 title 32; and

16 “(2) performs, for the purpose of providing mili-
17 tary aid to enforce the law—

18 “(A) Federal service under section 331, 332,
19 3500, or 8500 of title 10, or other provision of law,
20 as applicable, or

21 “(B) full-time military service for his State,

1 the District of Columbia, the Commonwealth of
2 Puerto Rico, the Canal Zone, or a territory of the
3 United States;

4 is entitled, during and because of such service, to leave with-
5 out loss of, or reduction in, pay, leave to which he otherwise
6 is entitled, credit for time or service, or performance or
7 efficiency rating. Leave granted by this subsection shall not
8 exceed 22 workdays in a calendar year.

9 “(d) Except as provided in section 5519 of this title,
10 a substitute employee in the postal field service who—

11 “(1) is a member of a Reserve component of the
12 Armed Forces, as described in section 261 of title 10,
13 or the National Guard, as described in section 101 of
14 title 32;

15 “(2) performs, for the purpose of providing mili-
16 tary aid to enforce the law—

17 “(A) Federal service under section 331, 332,
18 3500, or 8500 of title 10, or other provision of law,
19 as applicable, or

20 “(B) full-time military service for his State,
21 the District of Columbia, the Commonwealth of
22 Puerto Rico, the Canal Zone, or a territory of the
23 United States;

24 and

25 “(3) has worked at least 1040 hours, as a substitute

1 employee in the postal field service, during the calendar
2 year immediately before the calendar year in which he
3 performs service described in subparagraph (2) (A) or
4 (B) of this subsection;

5 is entitled, during and because of such service, to leave with-
6 out loss of, or reduction in, as a substitute employee in the
7 postal field service, pay, leave to which he otherwise is en-
8 titled, credit for time or service, or performance or efficiency
9 rating. Leave granted by this subsection—

10 “(i) shall not exceed 160 hours in a calendar year;
11 and

12 “(ii) shall accrue on the basis of 1 hour of leave for
13 each period aggregating 13 hours of service performed,
14 as a substitute employee in the postal field service, dur-
15 ing the calendar year immediately before the calendar
16 year in which he performs service described in subpara-
17 graph (2) (A) or (B) of this subsection.”.

18 (b) Subchapter II of chapter 55 of title 5, United States
19 Code, is amended by adding at the end thereof the following
20 new section:

21 “§ 5519. Crediting amounts received for certain Reserve
22 or National Guard service

23 “An amount (other than a travel, transportation, or per
24 diem allowance) received by an employee for military serv-
25 ice as a member of the Reserve or National Guard for a

1 period for which he is entitled to leave under section 6323
 2 (c) or (d) of this title shall be credited against the pay pay-
 3 able to the employee with respect to his civilian position for
 4 that period.”.

5 (c) The table of contents of subchapter II of chapter 55
 6 of title 5, United States Code, is amended by inserting—

“5519. Crediting amounts received for certain Reserve or National Guard
 service.”

7 immediately below—

“5518. Deductions for State retirement systems; National Guard em-
 ployees.”.

Passed the House of Representatives July 1, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

AN ACT

To amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes.

JULY 2, 1968

Read twice and referred to the Committee on Post
Office and Civil Service

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued July 22, 1968
For actions of July 19 and 20, 1968
90th-2nd; Nos. 125 & 126

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HIGHLIGHT: Senate passed farm bill.

HOUSE - July 19, 1968

1. FLOOD CONTROL. Conferees were appointed on S. 3710, to authorize the construction, repair, and preservation of certain public works on rivers and harbors for navigation and flood control. Senate conferees have been appointed. p. H7041
2. APPROPRIATIONS. The Appropriations Committee reported H. R. 18785, the Defense Department appropriation bill, 1969 (H. Rept. 1754). p. H7116

Senate

3. HOUSING. The conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 3497, the housing bill. p. D711
 4. EXPENDITURES. Rep. Mahon stated "I do not now see that we are going to achieve the \$6 billion cut in expenditures in the individual bills" and that the President will have to "take whatever additional measures that are necessary." p. H7040
 5. POSTAL SERVICE. Rep. Dorn stated that he was "shocked" at the recent decree by the Post Office Dept. to the effect that mail service would be curtailed and small post offices serving rural communities would be closed. p. H7041
 6. COMMUNITY DEVELOPMENT. Rep. Goodell spoke in support of the "comprehensive community self-help program which can stem from the passage of the Community Self-Determination Act." p. H7106
 7. LEGISLATIVE PROGRAM. Rep. Albert announced the program for Mon. and the balance of the week as follows: Higher Education Amendments, food stamp bill, farm bill, military construction bill, District of Columbia and Defense Dept. appropriation bills, supergrade bill, endangered species of wildlife and fishermen's protective bills. pp. H7099-7100
 8. ADJOURNED until Mon., July 22. p. H7115
- SENATE -- July 19, 1968
-
9. PERSONNEL. The Post Office and Civil Service Committee reported with amendments H.R. 13844, to grant time off for employees to arrange funerals of their children lost in hostile military action (S. Rept. 1443). p. S8946
 10. WILDLIFE. Passed as reported H. R. 25, to authorize the Secretary of the Interior in cooperation with the States to preserve, protect, develop, restore, and make accessible estuarine areas of the Nation which are valuable for sport and commercial fishing, wildlife conservation, recreation, and scenic beauty. pp. S8956-7
 11. FPC. Concurred in House amendments of a technical and clarifying nature to S. 2445, to amend part I of the Federal Power Act to clarify the manner in which the licensing authority of the Commission and the right of the U. S. to take over a project or projects upon or after the expiration of any license shall be exercised (p. S8951). This bill will now be sent to the President.
 12. LANDS. Passed without amendment S. 3687, to direct the Secretary of Agriculture to release on behalf of the U. S. a condition in a deed conveying certain lands to the State of Ohio. p. S8950
 13. FARM PROGRAM. Continued debate on S. 3590, the farm bill (pp. S9008-41). Agreed to committee amendments en bloc to be considered as original text for the purpose of amendment (p. S9009). Rejected, 40-40, an Aiken amendment to provide for a

FEDERAL EMPLOYEES LEAVE FOR FUNERALS OF CERTAIN RELATIVES AND FOR NATIONAL GUARD DUTY

JUNE 18, 1968.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HENDERSON, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany H.R. 13844]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 13844) to amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U.S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The committee proposes two amendments to the bill: An amendment to the text and an amendment to the title.

AMENDMENT TO THE TEXT

The amendment to the text strikes out all matter after the enacting clause and inserts in lieu thereof a substitute text which is contained in the reported bill in italic type. The amendment to the text is discussed in this report under the explanation of this amendment to the bill.

AMENDMENT TO THE TITLE

The amendment to the title, which is contained in the reported bill, is made in order to conform the title of the reported bill to the amendment proposed by the committee to the text of the bill.

PURPOSE

The purpose of this legislation is to provide additional leave for a Federal employee or for an employee of the government of the District of Columbia—

(1) When the employee is excused to arrange or to attend the funeral or memorial service for an immediate relative who died while on duty as a member of the Armed Forces; and

(2) When the employee, who is a member of the Reserve or of the National Guard, performs, for the purpose of providing military aid to enforce the law, Federal military service or full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or any territory of the United States.

STATEMENT

This legislation was ordered reported by a unanimous vote of the committee. The administration reports that they have no objection, and no objection whatever has been raised, to favorable consideration of this legislation. It is the opinion of the committee that no material additional cost will be incurred by the enactment of this legislation.

The Civil Service Commission recommended that certain technical corrections be included in any proposal that was favorably considered, and these recommendations have been embodied in the provisions as contained in the amendments recommended by the committee.

The committee believes—

(1) That the enactment of the first section of the bill is needed to provide specific authorization in the law for an agency to grant leave to employees during their bereavement for an immediate relative who died while on duty with the Armed Forces, in order to overcome the uncertainties and confusion which now arise by reason of the requirement for each agency to decide that the granting of administrative leave for funerals of such immediate relatives, in each particular case, "is for the convenience of the Government"; and

(2) That the enactment of section 2 is needed to correct the inequitable requirement that employees use their annual vacation leave, or be placed on military furlough without pay, when they are required to serve with the Reserves or the National Guard to enforce the laws of our country.

The chairman of the House Post Office and Civil Service Committee, the Honorable Thaddeus J. Dulski, introduced H.R. 13844, with provisions relating to leave in connection with certain funerals, when he was advised of the necessity for a postal employee to be charged with annual leave for the time the employee needed to arrange for the funeral of his son, who had been killed in action in Vietnam.

Shortly after introduction of the bill, a postal employee who also is a major in the New York Army National Guard, advised that, when called to duty with the National Guard, he was required to charge the absence to his annual vacation leave. Also, as a further justification, the committee has been advised that at least 40 postal employees of the Washington City Post Office who are members of the District of Columbia National Guard were required to use their annual vacation leave or be on military furlough without pay on 4

working days during the disturbances in Washington in April 1968, when they served with the National Guard.

LEAVE FOR FUNERALS

The Civil Service Commission, under existing law and regulation (5 U.S.C. 6104 and Executive Order 10552, August 10, 1954), establishes guidelines for agencies to provide uniformity in agency decisions granting administrative leave for Federal employees.

However, such authority of the Commission to regulate in the area of administrative leave is limited to advisory and suggestive action. In granting administrative leave, each agency has to determine that the administrative leave, in each case, is "for the convenience of the Government."

Guidelines have been issued by the Commission for granting administrative leave for several purposes, such as for registration and voting, blood donations, and for certain military funerals.

Civil Service Regulation 630-25(f), issued on December 4, 1967, provide that "An employee may be excused to attend the funeral of an immediate member of his family killed in line of duty in the Armed Forces."

While agencies have been granting administrative leave on an individual case-by-case basis depending on the circumstances involved, instances have been brought to the attention of the committee, such as indicated above, where employees have been charged with annual leave to attend the funeral of a son who was killed while on active duty with the Armed Forces.

Distressing circumstances have arisen and the use of vacation leave has been required under the existing practice in cases where the son may not actually have been killed in line of duty, but was injured and died at a later date, or when a funeral was not involved, but memorial services were held because no body had been found.

The enactment of this legislation will require all agencies to grant leave in these cases without the need to determine that the action is for "the convenience of the Government." It will permit the agencies to avoid distressing technical quibbling over whether a memorial service constitutes a funeral when no body has been found, and over whether the individual was killed in line of duty or died as a result of an injury received in line of duty.

LEAVE FOR DUTY WITH THE RESERVE OR NATIONAL GUARD

A Federal employee or an employee of the government of the District of Columbia is entitled to leave, not in excess of 15 days in a calendar year, for active duty with the Reserve or National Guard (5 U.S.C. 6323). The 15 days generally is sufficient to cover only the statutory required participation during each year by such employees in training and encampments of maneuvers or the assembling for drills and instructions. As a result, any absences of such employees for military duties as a member of the Reserve or of the National Guard, other than for training, must be charged to annual vacation leave or military furlough without civilian pay.

The committee is convinced that a Federal employee or an employee of the government of the District of Columbia should not be

subjected to the personal inconvenience of being required to use his vacation leave to answer a call to serve with the Reserve or the National Guard to support civil authority, nor should such employees be subjected to financial hardship which may occur when they are required to be on military furlough without pay.

This legislation will permit a limited absence of not to exceed 22 workdays—the equivalent of a 30-calendar-day month—in any calendar year for these employees when ordered to perform military service as a part of their civic duty. The leave to be granted under this legislation while performing military service will not accrue from year to year.

This particular leave benefit is supported by the National Guard Association and by the Reserve Officers Association. The letters received from these organizations are set forth below.

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES,
Washington, D.C., June 11, 1968.

HON. THADDEUS DULSKI,
Chairman, House of Representatives Committee on Post Office and Civil Service, Washington, D.C.

DEAR MR. CHAIRMAN: The Reserve Officers Association deems it a privilege to support the changes in legislation contained in your bill, H.R. 13844, now under consideration by your committee.

Our support relates to that part of your bill, amended by the subcommittee, providing military leave without loss of pay for the period indicated for Federal employees who are also members of the Reserve components and the National Guard. We believe this to be a fair and just solution to the service performed by these individuals in providing military aid to enforce the law.

It would be appreciated if this letter of support would be inserted as a part of the record of the hearings on the bill.

Sincerely,

JOHN T. CARLTON,
Executive Director.

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES,
June 17, 1968.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: I am pleased to have this opportunity to convey to you and your committee on behalf of the National Guard Association of the United States our endorsement and support of H.R. 13844 and, particularly, that part which amends section 6323 of title 5, United States Code, providing leave and related benefits for Federal civil service employees when called or ordered to active Federal or State military service in aid of civil authority as members of the National Guard (Army or Air), or a Reserve component.

The recent eruption of civil disorders in numerous cities across the Nation resulting in the call of tens of thousands of National Guardsmen to provide aid and assistance to civil authorities once again underlies the desirability and necessity for legislation in behalf of Federal employees who are members of the National Guard.

In Decisions of the Comptroller General of the United States, B-133972 (37 Comp. Gen. 255), it states:

"The military service obligation of Federal employees who are ordered into the active military service of the United States pursuant to Executive Order No. 10730, which federalized the Arkansas National Guard, is not only incompatible with the civilian employment status but is paramount to the civilian service so that the employees do not have a right to elect to receive compensation of the civilian position during the period of military duty.

"Although Federal civilian employees who are ordered into the active military service of the United States pursuant to Executive Order No. 10730, which federalized the Arkansas National Guard, may be carried in a military leave status for 15 calendar days, provided the military leave has not been used previously during the current calendar year, and in an annual leave status to the extent of their accrued annual leave during the period of their active military service, they may not be carried in a leave-without-pay status but must be placed on military furlough or separated, at the option of the agency, in accordance with instructions in chapters L-1-7 and R-6-4 of the Federal Personnel Manual."

The problem is further compounded when members of the National Guard are mobilized for State military duty under the orders of the Governor of their State.

It is well known that members of the National Guard are liable for both Federal and State military duty. Moreover, when the National Guard is mobilized by State authority the necessity for use of troops of the Regular Forces is correspondingly diminished. For example, in the recent outbreaks Federal troops were used in only three of the more than 50 cities in which civil disorders took place.

It is both fitting and proper that the Federal Government take the lead in providing for Federal employees in such cases. Thereafter, it is reasonable to assume that the States will, in most instances, enact similar State statutes to provide for State employees if not already in State law.

If we are to maintain the strength of the National Guard, and Congress has stated that such a policy is in the national interest, a reasonable degree of protection must be provided for those who elect to perform their military obligation therein.

We are hopeful that this bill will receive early and favorable action by the Congress.

Respectfully,

JAMES F. CANTWELL,
Major General, NJARNG, President.

EXPLANATION OF THE BILL BY SECTIONS

The first section of the reported bill with the committee amendment adds a new section 6326 to title 5, United States Code, to provide absences in connection with funerals or memorial services of immediate relatives who died while on duty as a member of the Armed Forces.

The new section 6326 will apply to Federal employees under an executive agency and to employees of the government of the District of Columbia. The employee will be entitled to leave without loss of or reduction in pay, leave to which he is otherwise entitled, credit for time

or performance or efficiency rating. Leave is authorized to make arrangements for and to attend the funeral of or the memorial service for an immediate relative who died while on duty as a member of the Armed Forces.

The Civil Service Commission is authorized to issue regulations prescribing standard conditions for the granting of such leave and to define the term "immediate relative." It is expected that this term will be defined in a flexible manner so that it will include, as the circumstances may warrant, a parent, a brother or a sister, or even an aunt or an uncle or a grandparent who has raised or been a guardian for an orphaned child. The leave to be granted under these provisions may not exceed 3 days.

Section 2(a) of the reported bill, with the committee amendment, adds subsections (c) and (d) to section 6323 of title 5, United States Code.

Under the new subsection (c) of section 6323, a Federal employee as defined by 5 U.S.C. 2105 (except a substitute employee in the postal field service) or an employee of the government of the District of Columbia, permanent or temporary indefinite, who is a member of a Reserve component of the Armed Forces or of the National Guard, is entitled to additional leave to cover periods during which he performs military service for the purpose of providing military aid to enforce the law.

The additional leave would be granted when the military service is considered Federal service under section 331, 332, 3500, or 8500 of title 10, United States Code, or other provisions of law as may be applicable.

The above provisions of title 10 relate to the authority of the President to call up the National Guard as he may consider necessary to enforce the law. A provision of the Department of Defense Appropriation Act, 1967, Public Law 89-687, under the heading "Reserve Personnel, Army," authorizes the President, until June 30, 1968, to order the Ready Reserve of an armed force to active duty. The committee is advised that plans are now being made to train certain members of the Armed Forces Reserves for riot control and to extend beyond June 30, 1968, the authority of the President to order the Reserves to active duty for such purposes.

Provisions also are included in the reported bill for the leave to be granted when such employee performs full-time military service as a member of the National Guard for his State.

The leave to be granted under these provisions is to be granted without loss of or reduction in pay; leave to which he otherwise is entitled, whether annual leave, sick leave, or military training leave; credit for time or service; or performance or efficiency rating.

The maximum amount of leave to be granted is limited to not in excess of 22 workdays in a calendar year, which ordinarily corresponds with a calendar month of 30 days except in the case of postal field service employees.

The new subsection (d) provides similar leave benefits for substitute employees in the postal field service who are called to duty with the Reserve or the National Guard. However, the new provision will apply only to a substitute employee who has worked at least 1,040 hours as a substitute during the immediate preceding calendar year.

The amount of leave to be granted may not exceed 160 hours in a calendar year. Such benefits will accrue to substitute employees on the basis of 1 hour of leave for each period aggregating 13 hours of service performed. The 1,040 hours represent one-half of an ordinary work year of 2,080 hours for postal employees. The 160 hours, or 20 8-hour days, is a little less than the 22 working days provided for the full-time employee under subsection (c).

Section 2(b) adds a new section 5519 to title 5, United States Code, to require that the amount received by an employee for military service as a member of the Reserve or the National Guard, on any workday for which he is entitled to leave under the new subsections (c) or (d) of section 6323, shall be credited against his civilian pay. It is to be noted that the leave is to be granted only for workdays, and that the civilian pay of the employee will be reduced only by the amount that he receives for military service on the workday. The civilian pay will not be reduced by any amount the individual may receive for military service for days that are not workdays. Nor will civilian pay be reduced by any amounts received for Travel, transportation, or per diem allowance incident to the military service.

The granting of leave and the reduction in civilian pay under these provisions are mandatory, and neither the agency nor the employee will have any discretion in this regard as to the application of the provisions involved.

Cost

Records have not been maintained in the past to show either the number of deaths of armed services personnel who were immediate relatives of Federal employees, or the number of Federal employees who performed military service as a member of the Reserve or as a member of the National Guard, for the purpose of providing military aid to enforce the law. Consequently, there are no facts available upon which to estimate the additional cost to be incurred by enactment of this legislation.

The Committee believes, however, that the additional cost that will be incurred will be of no great significance in view of the requirement that the amount received for such military service be credited toward civilian pay on workdays for the employees who receive the benefit of the additional leave under this legislation when serving with the Reserve or the National Guard.

AGENCY REPORTS

The reports of the administration on section 1 of the bill are set forth below in the letter dated March 27, 1968, from the Bureau of the Budget, and in the letter dated March 21, 1968, from the U.S. Civil Service Commission.

The reports on section 2 of the bill as reported are contained in letters dated May 3, 1968, enclosing a copy of a report to the chairman, Committee on Armed Services, on a similar bill, H.R. 2635, and June 3, 1968, from the Civil Service Commission.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 27, 1968.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the committee's request for the views of the Bureau of the Budget on H.R. 13844, to amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U.S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

The Bureau of the Budget concurs with the views expressed in the report of the Civil Service Commission, endorsing the purpose of the bill and suggesting the legislation may not be necessary in view of its recent administrative action along the same lines. If, nevertheless, the committee is disposed to take favorable action on H.R. 13844, we would have no objection if the bill is amended as suggested by the Civil Service Commission.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 21, 1968.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 13844, a bill to amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U.S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

The Commission heartily supports the purpose of H.R. 13844, and offers no objection to its enactment. The Commission, however, invites the attention of the committee to administrative action it has very recently taken to achieve the same objective as H.R. 13844. The Commission also suggests that the committee may wish to consider deferring legislative action to see if the administrative action has taken care of the problem.

Attached to this report for the convenience of the committee is a copy of Federal Personnel Manual Letter No. 630-14. It advises agencies that the funeral of an immediate relative of an employee killed in line of duty in the Armed Forces might be considered an appropriate circumstance for excusing an absence without charge to leave or loss of pay. This is what is popularly called administrative leave.

The authority of the Commission to regulate in the area of administrative leave is limited. This advisory and suggestive action is as far as the Commission properly can go. Each agency has to decide for itself when excusing an absence that it does so for the convenience of the Government.

There are some significant differences in wording between FPM Letter No. 630-14 and H.R. 13844. An "immediate relative" as used in the FPM letter could include a parent as well as a child or spouse. This language also should be sufficiently open to interpretation to permit leave to an uncle or aunt who brought up an orphaned niece or nephew. Since the new FPM material is illustrative of an appropriate case, rather than strictly definitive, it is to be hoped that agencies would make their findings on leave for the convenience of the Government in accord with its spirit. For example, a "funeral" should be taken to include a memorial service when no body is recovered.

If the committee is disposed to take favorable action on H.R. 13844 at this time, we believe the Civil Service Commission should be given authority to regulate on this type of leave. With this authority the Commission could avoid or promptly correct any distressing technical interpretations of intent. The Commission feels it fully understands and shares the objectives of the bill. It also appreciates the difficulty in expressing in the exact language of law a compassionate consideration for bereavement. Without making any claims for superiority of regulatory language, the flexibility and convenience of administrative controls can be cited.

Substitute language for H.R. 13844 which would give effect to our suggestions is attached to this letter. It will be observed that the language provides that, under regulations prescribed by the Civil Service Commission, an employee is entitled to leave to make arrangements for and attend the funeral or memorial service of an immediate relative who as a member of the Armed Forces dies in or as a result of certain armed conflicts. The substitute language includes employees of the government of the District of Columbia. It provides that the Commission's regulations shall include provisions (1) defining "immediate relative" and (2) setting forth criteria under which the agency head or his designee can determine the amount of leave, not to exceed 3 days, that is required, and any extraordinary conditions which may prevent approval of leave in the national interest. It should be noted the substitute language numbers the new section of title 5, United States Code, as section "6326" inasmuch as Public Law 90-221 added a section 6325.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

Enclosures.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 4, 1967.

FPM Letter No. 630-14.

Subject: Absence and leave—Excused absence—Funerals.

Heads of departments and independent establishments:

The following provision concerning excused absence for an employee to attend the funeral of an immediate member of his family killed in line of duty in the Armed Forces has been approved and will be published in a future revision of page 630-25 of the Federal Personnel Manual:

f. Funeral of an immediate relative killed in line of duty in the Armed Forces: An employee may be excused to attend the funeral of an immediate member of his family killed in line of duty in the Armed Forces.

The above is being inserted as an additional illustration of a circumstance in which agencies may consider it appropriate to excuse an absence without charge to leave or loss of pay. I urge agencies to adopt this policy.

By direction of the Commission:

NICHOLAS J. OGANOVIC,
Executive Director.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 3, 1968.

HON. THADDEUS J. DULSKI,
House of Representatives, Washington, D.C.

DEAR THAD. This is in further reply to your recent inquiry about military leave for Federal employees in the Reserve or National Guard.

The Commission has been looking into the adequacy of the leave available for various types of military duty. The law governing leave for military training, 5 U.S.C. 6323, provides that employees are entitled to 15 calendar days of leave each year for National Guard or Reserve training purposes. The Commission recently has been reviewing the adequacy of this 15-day allowance with the Department of Defense. A few problems were noted here and there, but in general the situation does not appear to warrant any action at this time to increase the amount of military leave available for training duty. The Department of Defense has indicated that a sharp curtailment of involuntary training assignments should help to reduce the need for Federal employees to take annual leave for this purpose. Another consideration in deciding not to seek a change at this time is the fact that the Federal allowance for this purpose is quite liberal in comparison with industry practice.

Under present law, absences for military duties other than training are chargeable to annual leave or leave without pay. There is a bill before the Congress, H.R. 2635, which would provide paid leave for Federal employees when called to service with the National Guard in aid of civil authority. The Civil Service Commission, in its report to the House Committee on Armed Services regarding this bill, supported the objectives of the proposed legislation, but recommended that the amount of paid leave granted under this authority be limited to 22 workdays in any calendar year.

We appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 19, 1968.

HON. L. MENDEL RIVERS,
*Chairman, Committee on Armed Services,
House of Representatives,*

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Civil Service Commission on H.R. 2635, 90th Congress, a bill to provide for leave of absence for members of the National Guard who are officers or employees of the United States when called or ordered to Federal or State military service in aid of civil authority.

The purpose of the bill is to authorize leaves of absence to Federal employees who are members of the National Guard whenever they are "called" into the military service of the United States or of a State, the Commonwealth of Puerto Rico, or the District of Columbia for the purpose of providing military aid to the civil authority. These absences would not be charged against military or annual leave. The employee would be entitled to the pay of his Federal civilian employment from his agency, less the amount he received from the Federal Government or the State, Commonwealth of Puerto Rico, or the District of Columbia for his military service.

The Civil Service Commission does not oppose this bill but it does suggest some modification.

Under current law (sec. 6323 of title 5, United States Code) members of the National Guard and of the Reserve components who are Federal employees are entitled to 15 days' military leave each calendar year for the purpose of performing active duty or, in the case of the National Guard, field training under sections 502-505 of title 32, United States Code. There is no authority to grant military leave to Federal employees for the purpose of performing such additional duty as may be required of them by State authorities and under State law.

The Commission appreciates the strong element of public interest involved in avoiding financial hardship for some members of the National Guard when they are called on to support civil authority. The Commission also appreciates that the time devoted to alleviating the results of disaster, saving life and property, and maintaining law and order does not diminish the need for military training for the needs of national defense. We believe that the costs that might flow from this legislation will not be a serious problem. Some delays to Federal programs that might result from the absence of employees on National Guard duty are inescapable in any event.

Generally the absences of employees on National Guard duty have been tolerable because they have been of relatively brief duration. The bill, however, contains no limitation on the number of days for which the additional leave would be authorized. Extended periods of absence are undesirable. They place an undue burden on the Federal employing agency. They would interfere with programs for which

the agency is responsible. After some reasonable time the employing agency should be free to make other staffing arrangements and use its salary funds to get its work done. It is therefore recommended that the leaves of absence be limited to 22 workdays in any calendar year. This would be the equivalent of 30 calendar days. It is also recommended that the provision requiring the crediting of military pay against civilian salary while on leave be amended to permit the guardsmen to keep any military pay earned for weekend service.

We have two technical perfecting amendments to suggest. First, to avoid possible loss under any employee evaluation system, the words "performance or efficiency rating" should be substituted for "efficiency rating." Second, a sentence should be added to the new section making clear that leave provided by it is in addition to military leave provided by U.S.C. 6323.

Finally we feel that the bill should be reworded and the section references changed to better conform to the style of the newly enacted title 5 of the United States Code. For convenience we are attaching a redraft of the bill incorporating all of the foregoing suggestions.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the presentation of this report for the consideration of the committee.

By direction of the Commission:

Sincerely yours,

JOHN M. MACY, Jr.,
Chairman.

Enclosure.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 3, 1968.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for our views on your proposed amendment to H.R. 13844. This amendment would grant leave to Federal employees who are called to duty with the National Guard or militia.

The proposed amendment is similar to the legislation recommended in the Commission's April 19, 1968, report to the chairman of the House Armed Services Committee on H.R. 2635, except that the amendment would set up a separate system for granting this leave to substitute employees in the postal field service, and would grant leave for full-time military service for the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States.

We do not object to any of the above provisions, but I do have a suggestion you may want to consider. Plans are now being made to train certain members of the Armed Forces Reserves for riot control. In view of the fact that the Reserves may be called up for active duty during civil disorders, you may wish to consider including leave for Reserve members in your amendment.

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * *

CHAPTER 55—PAY ADMINISTRATION

* * * * *

SUBCHAPTER II—WITHHOLDING PAY

- 5511. Withholding pay; employees removed for cause.
- 5512. Withholding pay; individuals in arrears.
- 5513. Withholding pay; credit disallowed or charge raised for payment.
- 5514. Installment deduction for indebtedness because of erroneous payment.
- 5515. Crediting amounts received for jury service in State courts.
- 5516. Withholding District of Columbia income taxes.
- 5517. Withholding State income taxes.
- 5518. Deductions for State retirement systems; National Guard employees.
- 5519. *Crediting amounts received for certain Reserve or National Guard service.*

SUBCHAPTER II—WITHHOLDING PAY

§ 5511. Withholding pay; employees removed for cause

(a) Except as provided by subsection (b) of this section, the earned pay of an employee removed for cause may not be withheld or confiscated.

(b) If an employee indebteded to the United States is removed for cause, the pay accruing to the employee shall be applied in whole or in part to the satisfaction of any claim or indebtedness due the United States.

§ 5512. Withholding pay; individuals in arrears

(a) The pay of an individual in arrears to the United States shall be withheld until he has accounted for and paid into the Treasury of the United States all sums for which he is liable.

(b) When pay is withheld under subsection (a) of this section, the General Accounting Office, on request of the individual, his agent, or his attorney, shall report immediately to the Attorney General the balance due; and the Attorney General, within 60 days, shall order suit to be commenced against the individual and his sureties.

§ 5513. Withholding pay; credit disallowed or charge raised for payment

When the General Accounting Office, on a statement of the account of a disbursing or certifying official of the United States, disallows

credit or raises a charge for a payment to an individual in or under an Executive agency otherwise entitled to pay, the pay of the payee shall be withheld in whole or in part until full reimbursement is made under regulations prescribed by the head of the Executive agency from which the payee is entitled to receive pay. This section does not repeal or modify existing statutes relating to the collection of the indebtedness of an accountable, certifying, or disbursing official.

§ 5514. Installment deduction for indebtedness because of erroneous payment

(a) When the head of the agency concerned or his designee determines that an employee, a member of the armed forces, or a Reserve of the armed forces, is indebted to the United States because of an erroneous payment made by the agency to or on behalf of the individual, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period intervals by deduction in reasonable amounts from the current pay account of the individual. The deductions may be made only from basic pay, special pay, incentive pay, retired pay, retainer pay, or, in the case of an individual not entitled to basic pay, other authorized pay. Collection shall be made over a period not greater than the anticipated period of active duty or employment, as the case may be. The amount deducted for any period may not exceed two-thirds of the pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated active duty or employment. If the individual retires or resigns, or if his employment or period of active duty otherwise ends, before collection of the amount of the indebtedness is completed, deduction shall be made from later payments of any nature due the individual from the agency concerned.

(b) The head of each agency shall prescribe regulations, subject to the approval of the Director of the Bureau of the Budget, to carry out this section and section 581d of title 31. Regulations prescribed by the Secretaries of the military departments shall be uniform for the military services insofar as practicable.

(c) Subsection (a) of this section does not modify existing statutes which provide for forfeiture of pay or allowances. This section and section 581d of title 31 do not repeal, modify, or amend section 4837 (d) or 9837(d) of title 10 or section 1007(b), (c) of title 37.

§ 5515. Crediting amounts received for jury service in State courts

An amount received by an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia for jury service in a State court for a period during which the employee or individual is entitled to leave under section 6322 of this title shall be credited against pay payable by the United States or the District of Columbia to the employee or individual.

§ 5516. Withholding District of Columbia income taxes

(a) The Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the Commissioners of the District of Columbia within 120 days of a request for agreement from the Commissioners. The agreement shall provide that

the head of each agency of the United States shall comply with the requirements of subchapter II of chapter 15 of title 47, District of Columbia Code, in the case of employees of the agency who are subject to income taxes imposed by that subchapter and whose regular place of employment is within the District of Columbia. The agreement may not apply to pay for service as a member of the armed forces, or to pay of an employee who is not a resident of the District of Columbia as defined in subchapter II of chapter 15 of title 47, District of Columbia Code. For the purpose of this subsection, "employee" has the meaning given it by section 1551c(z) of title 47, District of Columbia Code.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section.

§ 5517. Withholding State income taxes

(a) When a State statute—

(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the State; and

(2) imposes the duty to withhold generally with respect to the pay of employees who are residents of the State;

the Secretary of the Treasury under regulations prescribed by the President shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of the State withholding statute in the case of employees of the agency who are subject to the tax and whose regular place of Federal employment is within the State with which the agreement is made. The agreement may not apply to pay for service as a member of the armed forces.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section. An agency of the United States may not accept pay from a State for services performed in withholding State income taxes from the pay of the employees of the agency.

(c) For the purpose of this section, "State" means a State or territory or possession of the United States.

§ 5518. Deductions for State retirement systems; National Guard employees

When—

(1) a State statute provides for the payment of employee contributions to a State employee retirement system or to a State sponsored plan providing retirement, disability, or death benefits, by withholding sums from the pay of State employees and making returns of the sums withheld to State authorities or to the person or organization designated by State authorities to receive sums withheld for the program; and

(2) individuals employed by the Army National Guard and the Air National Guard, except employees of the National Guard

Bureau, are eligible for membership in a State employee retirement system or other State sponsored plan; the Secretary of Defense, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Department of Defense shall comply with the requirements of State statute as to the individuals named by paragraph (2) of this section who are eligible for membership in the State employee retirement system. The disbursing officials paying these individuals shall withhold and pay to the State employee retirement system or to the person or organization designated by State authorities to receive sums withheld for the program the employee contributions for these individuals. For the purpose of this section, "State" means a State or territory or possession of the United States including the Commonwealth of Puerto Rico.

§ 5519. Crediting amounts received for certain Reserve or National Guard service

An amount (other than a travel, transportation, or per diem allowance) received by an employee for military service as a member of the Reserve or National Guard for a period for which he is entitled to leave under section 6323 (c) or (d) of this title shall be credited against the pay payable to the employee with respect to his civilian position for that period.

* * * * *

CHAPTER 63—LEAVE

* * * * *

SUBCHAPTER II—OTHER PAID LEAVE

Sec.

- 6321. Absence of veterans to attend funeral services.
- 6322. Leave for jury service.
- 6323. Military leave; Reserves and National Guardsmen.
- 6324. Absence of certain police and firemen.
- 6325. Absence resulting from hostile action abroad.
- 6326. Absence in connection with funerals of immediate relatives who died while on duty with the Armed Forces.

* * * * *

SUBCHAPTER II—OTHER PAID LEAVE

§ 6321. Absence of veterans to attend funeral services

An employee in or under an Executive agency who is a veteran of a war, or a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or deduction from annual leave for the time necessary, not to exceed 4 hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the armed forces whose remains are returned from abroad for final interment in the United States.

§ 6322. Leave for jury service

Except as provided by section 5515 of this title, the pay of an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia may not be reduced during a period of absence for jury service in a State court or a court of the United States because of the absence. The period of absence for jury service is without deduction from other leave of absence authorized by statute.

§ 6323. Military leave; Reserves and National Guardsmen

(a) An employee as defined by section 2105 of this title (except a substitute in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss of pay, time, or performance or efficiency rating for each day, not in excess of 15 days in a calendar year, in which he is on active duty or is engaged in field or coast defense training under sections 502–505 of title 32 as a Reserve of the armed forces or member of the National Guard.

(b) A substitute employee in the postal field service is entitled to leave without loss of pay, time, or efficiency rating for absence, not in excess of 80 hours in a calendar year, because of active duty or field or coast defense training under sections 502–505 of title 32 as a Reserve of the armed forces or member of the National Guard. This leave is on the basis of 1 hour of leave for each period aggregating 26 hours of work performed during the calendar year immediately before the calendar year in which he is ordered to that duty or training. However, he is entitled to this leave only if he worked at least 1,040 hours during that calendar year.

(c) *Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title (except a substitute employee in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—*

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32; and

(2) performs, for the purpose of providing military aid to enforce the law—

(A) Federal service under section 331, 332, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year.

(d) *Except as provided in section 5519 of this title, a substitute employee in the postal field service who—*

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law—

(A) Federal service under section 331, 332, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) *full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;*
and

(3) *has worked at least 1040 hours, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2)(A) or (B) of this subsection;*

is entitled, during and because of such service, to leave without loss of, or reduction in, as a substitute employee in the postal field service, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection—

(i) *shall not exceed 160 hours in a calendar year; and*

(ii) *shall accrue on the basis of 1 hour of leave for each period aggregating 13 hours of service performed, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection.*

§ 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by—

(1) the Commissioners of the District of Columbia for members of the Metropolitan Police force and the Fire Department of the District of Columbia;

(2) the Secretary of the Interior for the United States Park Police force; and

(3) the Secretary of the Treasury for the White House Police force.

§ 6325. Absence resulting from hostile action abroad

No leave shall be charged to the account of any officer or employee for absence, not to exceed one year, due to any injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action: *Provided*, That the injury shall not have been due to vicious habits, intemperance, or willful misconduct on the part of the officer or employee.

§ 6326. Absence in connection with funerals of immediate relatives who died while on duty with the Armed Forces

(a) *For the purpose of this section, "employee" means—*

(1) *an employee in or under an Executive agency; and*

(2) *an individual employed by the government of the District of Columbia.*

(b) *Under such regulations as the Civil Service Commission shall prescribe, an employee is entitled to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating, to make arrangements for and attend the funeral of, or memorial service for, an immediate relative who died while on duty as a member of the Armed Forces.*

(c) *The regulations prescribed by the Commission under this section shall include provisions—*

(1) defining “immediate relative”; and

(2) setting forth criteria under which the head of the employing agency or his designee may determine the amount of leave, not to exceed 3 days, to be granted to an employee.

()

Calendar No. 1423

90TH CONGRESS
2D SESSION

H. R. 13844

[Report No. 1443]

IN THE SENATE OF THE UNITED STATES

JULY 2, 1968

Read twice and referred to the Committee on Post Office and Civil Service

JULY 19, 1968

Reported by Mr. MONRONEY, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) subchapter II of chapter 63 of title 5, United
4 States Code, is amended by adding at the end thereof the
5 following new section:

1 “§ 6326. Absence in connection with funerals of immediate
2 relatives who died while on duty with the
3 Armed Forces

4 “(a) For the purpose of this section, ‘employee’
5 means—

6 “(1) an employee in or under an Executive
7 agency; and

8 “(2) an individual employed by the government of
9 the District of Columbia.

10 “(b) Under such regulations as the Civil Service Com-
11 mission shall prescribe, an employee is entitled to leave with-
12 out loss of, or reduction in, pay; leave to which he otherwise
13 is entitled; credit for time or service; or performance or effi-
14 ciency rating; to make arrangements for and attend the
15 funeral of, or memorial service for, an immediate relative
16 who died while on duty as a member of the Armed Forces.

17 “(c) The regulations prescribed by the Commission
18 under this section shall include provisions—

19 “(1) defining ‘immediate relative’; and

20 “(2) setting forth criteria under which the head of
21 the employing agency or his designee may determine
22 the amount of leave, not to exceed 3 days, to be granted
23 to an employee.”

1 “§ 6326. *Absence in connection with funerals of immedi-*
 2 *ate relatives in the Armed Forces*

3 “(a) *An employee of an executive agency or an indi-*
 4 *vidual employed by the government of the District of Colum-*
 5 *bia is entitled to not more than three days of leave without loss*
 6 *of, or reduction in, pay, leave to which he is otherwise entitled,*
 7 *credit for time or service, or performance or efficiency rating,*
 8 *to make arrangements for, or attend the funeral of, or memo-*
 9 *rial service for, an immediate relative who died as a result of*
 10 *wounds, disease, or injury incurred while serving as a mem-*
 11 *ber of the Armed Forces in a combat zone (as determined by*
 12 *the President in accordance with section 112 of the Internal*
 13 *Revenue Code).*

14 “(b) *The Civil Service Commission is authorized to issue*
 15 *regulations for the administration of this section.*”.

16 (b) The table of contents of chapter 63 of title 5, United
 17 States Code, is amended by inserting the following new item
 18 immediately below item 6325:

“6326. Absence in connection with funerals of immediate relatives ~~who~~
~~died while on duty with~~ *in the Armed Forces.*”.

19 SEC. 2. (a) Section 6323 of title 5, United States Code,
 20 is amended by adding at the end thereof the following new
 21 subsections:

1 “(c) Except as provided by section 5519 of this title, an
2 employee as defined by section 2105 of this title (except a
3 substitute employee in the postal field service) or an indi-
4 vidual employed by the government of the District of Co-
5 lumbia, permanent or temporary indefinite, who—

6 “(1) is a member of a Reserve component of the
7 Armed Forces, as described in section 261 of title 10,
8 or the National Guard, as described in section 101 of
9 title 32; and

10 “(2) performs, for the purpose of providing mili-
11 tary aid to enforce the law—

12 “(A) Federal service under section 331, 332,
13 333, 3500, or 8500 of title 10, or other provision of
14 law, as applicable, or

15 “(B) full-time military service for his State,
16 the District of Columbia, the Commonwealth of
17 Puerto Rico, the Canal Zone, or a territory of the
18 United States;

19 is entitled, during and because of such service, to leave with-
20 out loss of, or reduction in, pay, leave to which he otherwise
21 is entitled, credit for time or service, or performance or effi-
22 ciency rating. Leave granted by this subsection shall not
23 exceed 22 workdays in a calendar year.

24 “(d) Except as provided in section 5519 of this title,
25 a substitute employee in the postal field service who—

“(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

“(2) performs, for the purpose of providing military aid to enforce the law—

“(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

“(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

and

“(3) has worked at least 1,040 hours, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection;

is entitled, during and because of such service, to leave without loss of, or reduction in, as a substitute employee in the postal field service, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection—

1 “ (i) shall not exceed 160 hours in a calendar year;

2 and

3 “ (ii) shall accrue on the basis of 1 hour of leave for
4 each period aggregating 13 hours of service performed,
5 as a substitute employee in the postal field service, dur-
6 ing the calendar year immediately before the calendar
7 year in which he performs service described in subpara-
8 graph (2) (A) or (B) of this subsection.”.

9 (b) Subchapter II of chapter 55 of title 5, United States
10 Code, is amended by adding at the end thereof the following
11 new section:

12 **“§ 5519. Crediting amounts received for certain Reserve**
13 **or National Guard service**

14 “An amount (other than a travel, transportation, or
15 per diem allowance) received by an employee *or individual*
16 for military service as a member of the Reserve or National
17 Guard for a period for which he is entitled to leave under
18 section 6323 (c) or (d) of this title shall be credited
19 against the pay payable to the employee *or individual* with
20 respect to his civilian position for that period.”.

- 1 (c) The table of contents of subchapter II of chapter 55
 2 of title 5, United States Code, is amended by inserting—
 “5519. Crediting amounts received for certain Reserve or National Guard
 service.”
 3 immediately below—
 “5518. Deductions for State retirement systems; National Guard em-
 ployees.”.

Amend the title so as to read: “An Act to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone; and to provide additional leave for Federal employees called to duty as members of the National Guard or Armed Forces Reserves.”

Passed the House of Representatives July 1, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

[Report No. 1443]

AN ACT

To amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes.

JULY 2, 1968

Read twice and referred to the Committee on Post
Office and Civil Service

JULY 19, 1968

Reported with amendments

Senate

- 3 -

July 20, 1968

3-year extension of the farm programs which the bill would extend for 4 years (p. S9019). Agreed to a Morton amendment to continue the present law regarding wheat certificates for 4 years (p. S9020). Agreed to a Lausche-Dirksen amendment to include Ohio and Ill. among States whose apple production is eligible to be included in marketing agreements and orders (p. S9020). By unanimous consent, it was agreed to limit further debate to 1 hour equally divided on any amendment or motion and the question of passage of the bill (pp. S9030-1). Pending at recess was the modified Williams, Del.,-Brewster amendment to limit agricultural payments.

14. ARTS AND HUMANITIES. Sen. Pell announced hearings on a bill to establish a Presidential Commission on Negro History and Culture July 23 in the Labor and Public Welfare Committee hearing room. pp. S8947-8
15. CROP INSURANCE. Sen. Pell commended the Federal Crop Insurance program as an important factor in strengthening the credit and farm future of growers who participate. p. S8950-1
16. NOMINATION. Confirmed the nomination of Howard J. Samuels, N.Y., to be Administrator of the Small Business Administration. p. S8967
17. POVERTY. Sen. Nelson announced that he and Sen. Percy intend to cosponsor a bill to provide our rural areas with new businesses and more jobs to stem the migration of people to large cities. p. S8976
18. FLOODING. Sen. Hansen inserted a resolution requesting that action be taken to make it possible to conduct an investigation of recurrent flooding on the Little Wind River in Wyo. pp. S8991-2
19. MAIL. Sen. Byrd, W. Va., supported pending legislation to exempt the mail-handling operations of the Post Office Department from manpower restrictions. p. S8992
20. ELECTRIFICATION. Sen. Muskie spoke in support of the construction of the Dickey-Lincoln hydroelectric project on the St. John River, Maine. pp. S8995-6
21. WATERSHEDS. Sen. Church commended Forest Service's emergency treatment of watersheds which help prevent damage from wildlife. p. S8996
22. LEGISLATIVE PROGRAM. Sen. Mansfield announced that following action on the farm bill the Senate will consider the public works appropriation bill. p. S9008

SENATE -- July 20, 1968

23. FARM PROGRAM. Passed, 58-18, with amendments S. 3590, to extend and improve legislation for maintaining farm income, stabilizing prices and assuring adequate supplies of agricultural commodities (pp. S9045, S9049-69). Rejected, 25-47, a Williams, Del.,-Brewster amendment to limit the amount of payments to any single recipient for any one year to \$25,000, except under the Sugar

Act (pp. S9049-52). Rejected, 30-40, a Williams, Del.,-Lausche-Brewster amendment to limit the amount of payments to any single recipient for any one year to \$75,000, except under the Sugar and Wool Acts (pp. S9052-3). Rejected, 26-48, a Monroney amendment to establish and maintain emergency reserves of storable agricultural commodities (pp. S9053-64).

24. MANPOWER. The Labor and Public Welfare Committee reported with amendments S. 2938, to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended (S. Rept. 1445). p. S9087
25. TRADE FAIRS. Passed without amendment H. R. 18340, to amend section 212(B) of the Merchant Marine Act, 1936, as amended, to provide for the continuation of authority to develop American flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs (p. S9048). This bill will now be sent to the President.
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27. PERSONNEL. Passed as reported H. R. 13844, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U. S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force. pp. S9108-9
28. APPROPRIATIONS. Began consideration of H. R. 18188, the Transportation Dept. appropriation bill, 1969 (includes funds for forest highways) (p. S9108). As reported by the House Appropriations Committee this bill provides that "no funds shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups which do not have prior and specific congressional approval."
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29. FAMILY PLANNING. Sen. Gruening inserted a White House news release describing the mandate of the committee to review our Government's policies and programs in the field of population and family planning domestically and internationally. p. S9090
30. LEGISLATIVE PROGRAM. Sen. Mansfield announced on Mon. the Senate will consider the Transportation Department appropriation bill and the long staple cotton bill, later in the week the Labor-HEW appropriations measure, if reported. p. S9076

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, the General Assembly proclaims this universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national

tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation. Everyone has the right to the protection of law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

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(3) The will of the people shall be the basis of the authority of government; this

will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

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Article 30. Nothing in this Declaration may

be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

DEPARTMENT OF TRANSPORTATION APPROPRIATION, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1395, H.R. 18188. I do this so that the bill may be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 18188) making appropriations for the Department of Transportation for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

COMMITTEE MEETING DURING SENATE SESSION ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be permitted to meet during the session of the Senate on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAID LEAVE FOR FEDERAL EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1423, H.R. 13844.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13844) to amend title 5, United States Code, to provide additional leaves of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with amendments, at the top of page 2 strike out:

§ 6326. Absence in connection with funerals of immediate relatives who died while on duty with the Armed Forces

(a) For the purpose of this section, "employee" means—

(1) an employee in or under an Executive agency; and

(2) an individual employed by the government of the District of Columbia.

(b) Under such regulations as the Civil Service Commission shall prescribe, an employee is entitled to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating, to make arrangements for and attend the funeral of, or memorial service for, an immediate relative who died while on duty as a member of the Armed Forces.

(c) The regulations prescribed by the Commission under this section shall include provisions—

(1) defining "immediate relative"; and

(2) setting forth criteria under which the head of the employing agency or his designee may determine the amount of leave, not to exceed 3 days, to be granted to an employee.

And, in lieu thereof, insert:

§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

(b) The Civil Service Commission is authorized to issue regulations for the administration of this section.

On page 3, in the first line following line 18, after the word "relative" strike out "who died while on duty with" and insert "in"; on page 6, line 15, after the word "employee" insert "or individual"; and in line 19, after the word "employee" insert "or individual".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1443), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This legislation will provide up to 3 days' paid leave so that a Federal employee may make arrangements for or attend the funeral of an immediate relative who dies as a result of combat service; and will provide up to 22 days' paid leave for an employee who is called to active duty in the Reserves or the National Guard for the purpose of enforcing the law.

FUNERAL LEAVE

As referred to the committee from the House of Representatives, the bill provided up to 3 days' paid leave to any employee whose immediate relative dies while on duty

in the Armed Forces. The committee has amended the bill so that it will apply only in cases in which the immediate relative dies as a result of injuries or diseases suffered while on active duty in a combat zone. The committee believes the authority granted in the House version is too broad.

Under existing law and regulation, agencies may grant paid leave to employees in certain cases not chargeable to annual leave or leave without pay. Current civil service regulations (FPM 630-25) suggests occasions when such "administrative leave" may be granted, but Commission regulations are not binding.

Provisions of this bill will grant the Civil Service Commission clear regulatory authority applicable to all executive agencies and the government of the District of Columbia to permit up to 3 days leave. The committee's intent in amending the House bill is to limit cases of leave to those instances where the Federal Government as an employer has a responsibility to the employee to assist him by granting paid leave to make funeral arrangements for an immediate relative who died in or as a result of combat while serving that same Federal Government.

The arrangement of funerals and the attendance of funerals of immediate relatives who have been killed while fighting in the U.S. Armed Forces is an extraordinary and compassionate circumstance, which the committee believes justifies this additional paid leave.

MILITARY LEAVE

Federal employees who are members of the Reserves or the National Guard are now granted up to 15 days paid leave without reduction in pay for summer training. Most agencies, by regulation, grant 10 working days leave for this purpose. Since civil disturbances have occurred in several major cities, Reserve units and National Guard units have been called for active duty on several different occasions. Employees who are so activated must take annual leave or go on leave without pay. For commissioned officers who earn high salaries in the military service this is no hardship, but for enlisted men, who in private life may earn substantially more than their pay as Guardsmen or reservists, the case is different. A postal employee who is called to active duty for several weeks to enforce the law suffers a serious hardship financially which present law cannot rectify.

The military leave provisions of this legislation resolve this problem by authorizing up to 22 days paid leave when the Federal employee in the Guard or Reserves is activated for either Federal or State service to enforce the law. His salary earned as a Guardsman will be deducted from his civilian pay so that, unlike summer training periods, dual compensation will not occur.

The committee has learned that Federal agencies generally do not exercise the authority to grant as much as 15 days paid leave for summer camp or other Reserve or Guard training. Recently, some summer training programs have been extended to 3 weeks. Employees who regularly work on Saturday or Sunday are now required to take annual leave to attend Guard or Reserve drills or training.

The Civil Service Commission should investigate the need for revising agency procedures to permit employees more paid leave for military training. Conditions have changed since the enactment of the present law on military leave (Public Law 80-153; 61 Stat. 239) which permits up to 15 days leave. The Commission should report to the committee at the beginning of the 91st Congress as to present agency practice and the need, if any, for legislation or additional regulatory authority on this subject.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed,

the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone; and to provide additional leave for Federal employees called to duty as members of the National Guard or Armed Forces Reserves."

ADJOURNMENT UNTIL 10:30 A.M.
ON MONDAY, JULY 22, 1968

Mr. BYRD of West Virginia. Mr. President, if there be no further business to

come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10:30 a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 18 minutes p.m.) the Senate adjourned until Monday, July 22, 1968, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20 (legislative day of July 19), 1968:

AMBASSADORS

George W. Renchard, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

G. Edward Clark, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Robert M. Sayre, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

Walter J. Stoessel, Jr., of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland.

Samuel C. Adams, Jr., of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Carter L. Burgess, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Thomas W. McElhiney, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Harold Francis Linder, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued September 19, 1968
For actions of September 18, 1968
90th-2nd No. 152

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HIGHLIGHTS. House received conference report recommending 1 year extension of farm program. Senate ordered school lunch bill to lie on table. House agreed to conference report on trails bill. House rejected resolution to clear supergrades bill. Conferees agreed to file report on scenic rivers bill. Senate concurred in House amendment to N. J. wilderness bill. Senate committee reported Davis nomination to be Assistant Secretary of USDA. Rep. Tunney introduced and discussed bills to provide rural-urban balance.

HOUSE

1. FARM PROGRAM. Received the conference report on H. R. 17126, the farm bill (H. Rept. 1905). The conference substitute extends the Food and Agriculture Act of 1965 for 1 year and omits all other amendments. p. H8952
2. TRAILS. Agreed to the conference report on S. 827, to establish a nationwide system of trails (pp. H8884-6). See Digest 148 for provisions of conference report.

3. SUPERGRADES. Rejected, 134-221, a resolution for the consideration of H. R. 15890, to provide for additional supergrade positions in certain executive agencies. pp. H8889-94
4. SCENIC RIVERS. Conferees agreed to file a report on S. 119, to reserve certain public lands for a national wild rivers system. p. D845
5. BUDGET. Rep. Curtis claimed that the cutback of \$6 billion required in the tax increase and expenditure control bill "has been reversed" and that the net total budgeted outlays are now estimated to be \$191 billion for fiscal year 1969. p. H8882
6. TAXATION. The Ways and Means Committee reported with amendment H. R. 17332, to amend the Internal Revenue Code of 1954 regarding taxes on gasoline and oil used for agricultural purposes (H. Rept. 1901); and with amendments H. R. 14095 to make certain changes to facilitate the production of wine (H. Rept. 1899). p. H8961
7. FARM CREDIT. The Agriculture Committee reported without amendment H. R. 19418, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations, and banks for cooperatives (H. Rept. 1899). p. H8961
8. PERSONNEL. Agreed to a resolution for the consideration of H. R. 17682, civil service retirement financing (pp. H8898-900). This bill includes provisions that the period for determining average salary for annuity computation purposes would be changed from 5 years to 3 years, that unused sick leave would be added to the actual length of service for computing the annuity of an employee retiring or the annuity of the survivors of an employee dying in service, and that an extra 1 percent would be added to each annuity increase resulting from change in the Consumer Price Index.
Concurred in Senate amendments with an amendment, to H. R. 13844, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty in the Armed Forces. p. H8888
9. RESEARCH STATION. A subcommittee of the Agriculture Committee approved for full committee action H. R. 14388, to convey certain real property in the Agricultural Research Center, Beltsville, Md. p. D844
10. EDUCATION. The conferees agreed to file a report on S. 3769, the proposed Higher Education Amendments of 1968. p. D845
11. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 18785, the military construction appropriation bill, and agreed on the amendment in disagreement (pp. H8883-4, S10944-5). This bill includes funds for payment to the Commodity Credit Corporation on the indebtedness for housing constructed in foreign countries with foreign currencies derived from the sale of surplus commodities. The bill will now be sent to the President.
Received the conference report on H. R. 17023, the independent offices and HUD appropriation bill, 1969 (H. Rept. 1904). p. H8961

The committee of conference report in disagreement amendments numbered 15 and 41.

JOE L. EVINS,
EDWARD P. BOLAND,
GEORGE E. SHIPLEY,
ROBERT N. CHAIMO,
JOHN O. MARSH, JR.
DAVID PRYOR,
GEORGE MAHON,
CHARLES R. JONAS,
WILLIAM E. HINSHALL,
LOUIS C. WYMAN,
BURT L. TALCOTT,
FRANK T. BOW,

Managers on the Part of the House.

WARREN G. MAGNUSON,
ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
SPESSARD L. HOLLAND,
JOHN O. PASTORE,
CLINTON P. ANDERSON,
GORDON ALLOTT,
ROMAN L. HRUSKA,
NORRIS COTTON,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Office of Science and Technology

Amendment No. 1: Appropriates \$1,800,000 for salaries and expenses instead of \$1,750,000 as proposed by the House and \$1,850,000 as proposed by the Senate.

Appalachian regional development programs

Amendment No. 2: Appropriates \$173,600,000 for Appalachian regional development programs instead of \$168,600,000 as proposed by the House and \$178,600,000 as proposed by the Senate. The conference committee feels that the \$5,000,000 increase over the House amount should be used for health programs.

Disaster relief

Amendment No. 3: Appropriates \$10,000,000 for disaster relief instead of \$5,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate.

Civil Service Commission

Amendment No. 4: Appropriates \$37,200,000 for salaries and expenses instead of \$37,000,000 as proposed by the House and \$37,564,000 as proposed by the Senate.

Commission on Executive, Legislative and Judicial Salaries

Amendment No. 5: Inserts Senate proposal to appropriate \$100,000 for salaries and expenses of the Commission.

Federal Communications Commission

Amendment No. 6: Appropriates \$19,750,000 for salaries and expenses as proposed by the House instead of \$20,000,000 as proposed by the Senate.

Federal Power Commission

Amendment No. 7: Appropriates \$15,100,000 for salaries and expenses instead of \$15,000,000 as proposed by the House and \$15,200,000 as proposed by the Senate.

General Services Administration

Amendment No. 8: Appropriates \$275,000,000 for Operating Expenses, Public Buildings Service, instead of \$271,881,000 as proposed by the House and \$276,763,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 9: Inserts language earmarking \$150,000 for pipeline valuation work as proposed by the Senate. The committee of conference notes that the Commission currently makes no charge for pipeline valuations, although the industry uses the valuations as the basis for determining allowable earnings. Under a Supreme Court consent decree, earnings may not exceed 7 percent on their valuation. The Commission is urged to review its fee structure to cover the cost of such valuation work.

National Aeronautics and Space Administration

Amendment No. 10: Appropriates \$3,370,300,000 for Research and Development as proposed by the Senate instead of \$3,383,250,000 as proposed by the House. The committee of conference notes that the Administrator has flexibility within this appropriation to use such funds as may be required and deemed necessary to continue the nuclear rocket engine (NERVA) development program.

Amendment No. 11: Appropriates \$21,800,000 for Construction of Facilities as proposed by the House instead of \$34,750,000 as proposed by the Senate.

National Science Foundation

Amendments Nos. 12 and 13: Authorize the maintenance and operation of three aircraft as proposed by the House instead of the purchase of one aircraft and the maintenance and operation of four as proposed by the Senate.

Amendment No. 14: Appropriates \$400,000,000 for salaries and expenses as proposed by the House instead of \$410,000,000 as proposed by the Senate.

Amendment No. 15: Reported in technical disagreement. The House conferees will offer a motion to recede and concur in the amendment.

Renegotiation Board

Amendment No. 16: Appropriates \$3,000,000 for salaries and expenses as proposed by the House instead of \$3,080,000 as proposed by the Senate.

Securities and Exchange Commission

Amendment No. 17: Appropriates \$17,830,000 for salaries and expenses as proposed by the Senate instead of \$17,730,000 as proposed by the House.

Veterans' Administration

Amendment No. 18: Appropriates \$46,850,000 for Medical and Prosthetic Research as proposed by the Senate instead of \$45,850,000 as proposed by the House.

Amendment No. 19: Appropriates \$195,000,000 for General Operating Expenses as proposed by the House instead of \$197,000,000 as proposed by the Senate.

Department of Defense

Civil Defense

Amendment No. 20: Appropriates \$48,040,000 for Operation and Maintenance as proposed by the House instead of \$48,640,000 as proposed by the Senate.

Amendment No. 21: Authorizes \$19,100,000 for matching grants for personnel and administrative expenses of State and local civil defense organizations as proposed by the Senate instead of \$18,500,000 as proposed by the House.

Amendment No. 22: Appropriates \$12,500,000 for Research, Shelter Survey and Marking instead of \$10,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate.

TITLE II

Amendment No. 23: Inserts heading as proposed by the Senate.

Department of Housing and Urban Development

Amendment No. 24: Inserts language for Urban Renewal Programs as proposed by the Senate and appropriates \$750,000,000 for such

programs instead of \$1,250,000,000 as proposed by the Senate.

Amendment No. 25: Appropriates \$43,838,000 for Urban Planning Grants instead of \$38,838,000 as proposed by the House and \$47,500,000 as proposed by the Senate.

Amendment No. 26: Appropriates \$165,000,000 for grants for basic water and sewer facilities as proposed by the Senate instead of \$150,000,000 as proposed by the House.

Amendments Nos. 27 and 28: Appropriates \$625,000,000 for Model Cities Programs including \$312,500,000 for urban renewal projects within model cities programs, instead of \$500,000,000 as proposed by the House and \$1,000,000,000 as proposed by the Senate, and earmarking \$100,000,000 for urban renewal as proposed by the House and \$500,000,000 as proposed by the Senate.

Amendment No. 29: Deletes proposal of the Senate to appropriate \$2,500,000 for Urban Information and Technical Assistance.

Amendment No. 30: Appropriates \$1,400,000 for salaries and expenses as proposed by the Senate instead of \$1,860,000 as proposed by the House.

Amendment No. 31: Restores language proposed by the House and stricken by the Senate pertaining to the administration and implementation of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

Amendment No. 32: Appropriates \$11,000,000 for Urban Research and Technology instead of \$10,000,000 as proposed by the House and \$15,000,000 as proposed by the Senate.

Amendment No. 33: Restores language proposed by the House and stricken by the Senate limiting administrative expenses for urban research and technology to \$500,000.

Amendment No. 34: Provides \$30,000,000 annual contract authorization for the rent supplement program instead of \$25,000,000 as proposed by the House and \$65,000,000 as proposed by the Senate. The committee of conference agrees that the Congress intended market rate mortgages in the rent supplement program to be financed in the private market in the usual conventional way, and expects the Secretary to be guided accordingly. In those cases where this is not possible, in every rent supplement project the sponsor shall be required to provide at least a 10 percent equity investment, except for nonprofit organizations where 5 percent is required if assistance is sought under the special assistance program of FNMA.

Amendment No. 35: Deletes proposal of the Senate to appropriate \$9,000,000 for the fair housing program. The budget request for this item was submitted to the Senate on the passage of a new law after the House had acted on this bill. The Department of Housing and Urban Development, as well as a number of other Federal agencies, are already engaged in the activities provided for in the Senate proposal with substantial personnel engaged in such activities. If facts can be presented in the future to prove the necessity for additional funds the Committee will consider such a request.

TITLE III—CORPORATIONS

Amendment No. 36: Changes the center heading to Title III instead of Title II as proposed by the Senate.

Amendment No. 37: Authorizes \$11,675,000 for administrative expenses of the Federal Housing Administration as proposed by the Senate instead of \$11,500,000 as proposed by the House.

Amendment No. 38: Authorizes \$93,000,000 for nonadministrative expenses of the Federal Housing Administration instead of \$92,000,000 as proposed by the House and \$94,000,000 as proposed by the Senate.

Amendments Nos. 39 and 40: Change title numbers as proposed by the Senate.

Amendment No. 41: Reported in technical disagreement. The House conferees will offer a motion to authorize \$357,000 for the Pres-

dent's Council on Youth Opportunity as proposed by the Senate, \$485,000 for the Interagency Committee on Mexican-American Affairs instead of \$575,000 as proposed by the Senate, \$300,000 for the U.S.-Mexico Commission for Border Development and Friendship instead of \$455,000 as proposed by the Senate, and \$100,000 for the National Council on Indian Opportunity instead of \$375,000 as proposed by the Senate.

Amendments Nos. 42 and 43: Restore the language of Sec. 308 of the bill to the original House language instead of inserting and deleting certain language as proposed by the Senate.

JOE L. EVINS,
EDWARD P. BOLAND,
GEORGE E. SHIPLEY,
ROBERT N. GIAMMO,
JOHN O. MARSH, Jr.,
DAVID PRYOR,
GEORGE MAHON,
CHARLES R. JONAS,
WILLIAM E. MINSHALL,
LOUIS C. WYMAN,
BURT L. TALCOTT,
FRANK T. BOW,

Managers on the Part of the House.

CORRECTION OF VOTE

Mr. PICKLE. Mr. Speaker, on rollcall No. 319, I am recorded as voting "yea." As is indicated by a statement immediately following that vote, I was not present, and accordingly ask that the permanent RECORD and Journal be corrected. As stated by my colleague, the gentleman from Texas [Mr. KAZEN], had I been present I would have voted "aye."

PROVIDING ADDITIONAL LEAVE OF ABSENCE FOR FEDERAL EMPLOYEES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13844) to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals, of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Senate amendment No. 1: Page 2, strike out lines 1 to 23, inclusive, and insert:

"§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

"(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat

zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

"(b) The Civil Service Commission is authorized to issue regulations for the administration of this section."

AMENDMENT OFFERED BY MR. DULSKI TO SENATE AMENDMENT NO. 1

Mr. DULSKI. Mr. Speaker, I offer an amendment to the Senate amendment No. 1.

The Clerk read as follows:

Amendment offered by Mr. DULSKI to Senate amendment No. 1: Strike out the quotation marks and the period at the end of such amendment and add subsection (c) to section 6326, to read as follows:

"(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest."

The amendment to Senate amendment No. 1 was agreed to.

Senate amendment No. 1, as amended, was concurred in.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 2: Page 3, in the first and second lines of the language following line 3, strike out "who died while on duty with" and insert "in".

Senate amendment No. 3: Page 3, line 18, after "332," insert "333,".

Senate amendment No. 4: Page 4, line 17, after "332," insert "333,".

Senate amendment No. 5: Page 5, line 24, after "employee" insert "or individual".

Senate amendment No. 6: Page 6, line 3, after "employee" insert "or individual".

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that the House concur in Senate amendments No. 2 through No. 6 and concur in the amendment to the title.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments No. 2 through No. 6 were concurred in.

The title was amended so as to read: "An act to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone; and to provide additional leave for Federal employees called to duty as members of the National Guard or Armed Forces Reserves."

A motion to reconsider was laid on the table.

PROJECTED CUTS IN ALLIANCE FOR PROGRESS FUNDS

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, at Punta del Este in Uruguay in 1961 the countries of this hemisphere banded themselves together to achieve total development, social, institutional, and cultural, as well as economic.

Today we hear there are cuts projected in the pending appropriations measure

for the foreign assistance program amounting to almost 60 percent of the original request of \$625 million for the Alliance for Progress.

This is very serious. The concepts and the programs envisaged under the Alliance for Progress constitute the very basis of our relations as well as our policy with our Latin American neighbors.

A new era has been entered into in these Americas. We have encouraged our neighbors to new expectations, to new horizons, and they are moving forward to meet these objectives which will meet the human and the institutional needs for a developing hemisphere.

We cannot and we must not falter in this encouragement. To do so would be to renege on our friends to the south in building for the future. To present our neighbors with cuts of the size reported in the press, would be to undermine their faith in this country. Such action would reinforce the impression that this Congress has singled out Latin America for insensitive, even hostile treatment.

I consider the proposed cut of 60 percent in our contribution to the Alliance for Progress to be extremely shortsighted. Instead of being able to move forward to consolidate the gains achieved during the past 7 years—and especially the gains during the past 4 years—our efforts to promote dynamic democratic systems in the hemisphere will have been frustrated.

Surely a more constructive approach should be made by the House.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. DULSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 340]

Annunzio	Gallagher	Philbin
Ashbrook	Gardner	Pollock
Ashley	Gettys	Rarick
Ashmore	Griffiths	Rees
Bell	Gurney	Reifel
Blackburn	Hansen, Idaho	Resnick
Boland	Hansen, Wash.	Rhodes, Ariz.
Bolton	Hebert	Rivers
Bow	Helstoski	Roudebush
Brown, Calif.	Hosmer	Sandman
Brown, Mich.	Karsten	Schweiker
Burton, Utah	King, Calif.	Sisk
Clausen,	Kupferman	Smith, Okla.
Don H.	Leggett	Springer
Clawson, Del	Lloyd	Stephens
Conte	Lukens	Teague, Tex.
Conyers	McClure	Tuck
Corman	Meskill	Tunney
Dawson	Miller, Calif.	Ullman
Derwinski	Moorhead	Vank
Donohue	Morse, Mass.	Watts
Esch	Morton	Whalen
Fallon	Nedzi	Wright
Fisher	O'Konski	
Fuqua	Olsen	

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

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Issued October 7, 1968
For actions of October 4, 1968
90th-2nd No. 164

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HIGHLIGHTS: Senate passed foreign aid appropriation bill. Senate agreed to conference report on intergovernmental cooperation bill. Senate received Davis nomination to CCC Board.

SENATE

1. INTERGOVERNMENTAL COOPERATION. Agreed to the conference report on S. 698, the proposed Intergovernmental Cooperation Act of 1968 (pp. S12057-61). This bill will now be sent to the President. For a summary of the conference substitute bill see Digest 161.
2. APPROPRIATIONS. Passed, 44-13, as reported H. R. 19908, the foreign aid appropriation bill. As passed the bill would appropriate a total of \$2,658,261,000, an increase of \$317,250,000 over the House-passed figure of \$2,341,011,000. Conferees were appointed. House conferees have not been appointed. pp. S12079, S12083-94

3. TAXATION. Sen. Metcalf spoke in support of his bill to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income and inserted supporting material. pp. S12065-9
4. MEAT IMPORTS. Sen. Jordan, Idaho, spoke on the "need for supplemental legislation to correct present defects" in legislation providing for the imposition of quotas on certain meat and meat products and expressed the hope that early in the next Congress "sound" import-export policies on beef and associated agricultural industries will be applied. pp. S12070-1
5. NOMINATIONS. Received the nomination of Ted J. Davis to be a member of the CCC Board and confirmed the nomination of Albert Bushong Brooke, Jr., to be a member of the Federal Power Commission. pp. S12056-7, S12113
6. PERSONNEL; CLAIMS. Passed as reported S. 4120, to authorize the waiver, in certain cases, of U. S. claims arising out of erroneous payments of pay to employees of the executive agencies. pp. S12053-5

Concurred in a House perfecting amendment to the Senate amendment to H. R. 13844, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty in the Armed Forces. This bill will now be sent to the President. p. S12107

7. NUTRITION; HUNGER. Agreed as reported to S. Res. 394, authorizing the Select Committee on Nutrition and Human Needs to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health. p. S12053
Sen. Byrd, W. Va., stated that to save thousands of Biafrans from starving "Congress should urge that the direction of the relief program be taken over by an international organization which has the power of political sanction." pp. S12061-2
8. WILDERNESS. Sen. Yarborough stated his bill to create a Big Thicket National Park in Tex. is gaining support and called on Congress not to allow it to be destroyed. p. S12072
9. ADJOURNED until Mon., Oct. 7. p. S12113

EXTENSION OF REMARKS

10. POVERTY. Sen. Prouty inserted the remarks of a survey of three low-income areas in the Dist. of Columbia. pp. E8527-99
11. OPINION POLL. Rep. Eilberg inserted the results of a questionnaire, including items of interest to this Department. pp. E8601-2
12. REPORTS. Reps. Griffiths and Podell reported to their constituents on the accomplishments of the 90th Congress. pp. E8604-6, E8648
13. REORGANIZATION. Rep. Hanna inserted a list of "fundamental reforms" which he thinks should be made in the Congress. pp. E8618-20

I also appreciate the interest of the Senator from Wyoming in this matter, and I say to him that all of us must have some concern about what will happen.

May I relate a little history. When we set up the Everglades National Park, the legislature had approved our doing so, our deeding the land. The Senator from Florida, as Governor at the time, went ahead with three members of the board to deed the land. One member of the board at that time was not willing to join in the deed, and some citizens of our State took that position—that the grant of 850,000 acres of land should not be made to the Federal Government. But the Governor then and the other members of the cabinet then went ahead and did what they said they would do, and I am sure that will be done in this case.

I have a wire from the present Governor, and I shall read it into the RECORD. It was sent to Representative PETER H. B. FRELINGHUYSEN, copying a wire he had sent to the Republican leader of the other body, Representative FORD.

DEAR JERRY: Please refer to my telegrams to the House and Senate Interior Chairman concerning the establishment of Biscayne National Monument. As Governor of Florida, I have kept this worthwhile project out of politics. I am on record and wish to reiterate my support for the establishment of Biscayne National Monument. Please convey this message to the Republican delegation.

I know that no politics of any kind have been brought into the discussion on the floor today, because it would have been so easy to put over the matter until Monday or to make other moves that would have been destructive.

I wish to express my very deep appreciation to the Senator from Wyoming and the Senator from Colorado for the careful and considerate way in which they have handled their expression of caution as we go into this matter. The Senator from Florida joins them in that caution. I repeat that the present Governor of Florida and the present cabinet members of Florida—this is based on personal discussion with the Secretary of State—are going to see this matter through. They will do it, and they are satisfied with the present provisions in the bill.

All I can say is that in the event this proves to be too burdensome as a financial matter for the Federal Government to properly assume, the Senator from Florida will not be in here trying to do something improper and unreasonable. He wants to join in the reasonable course that has been expressed by everyone concerned and to express his very deep appreciation and that of the Governor and cabinet of Florida, the chairman and members of the Metro Commission of Dade County and the thousands of citizens of Dade County who have evidenced their support of this measure.

The Senator from Florida must say that some people are not in accord with this measure and he is not surprised; but he hopes it will be worked out to the satisfaction of everyone, and he will endeavor to do everything in his power to see that that is the result.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. HANSEN. I should like to express my great appreciation to the distinguished Senator from Florida for the assurances he has given us. I believe they constitute an important part of the legislative history with respect to this bill. I also appreciate the material he has put into the RECORD.

My interest and zeal in seeing that the people of the United States have adequate opportunity for recreation and enjoyment of our great natural wonders is exceeded by few in this body. I believe this is a very definite step forward. I have invited attention to the matters concerning me; and because I am deeply interested, I felt it my duty to point out what I think are some of the problems we have had in the past. I believe this bill represents and constitutes a step forward.

I still see some things that disturb me. I appreciate that not everyone shares my apprehension. I will do my best and will continue as best I can to see if we can obviate all the problems that have made it more difficult to establish this kind of park, which I know will mean so much to the people of the State of Florida and to all the other people of America.

Mr. HOLLAND. I thank the distinguished Senator. I assure him that I shall do everything in my power to see that those apprehensions, which I think have some reason behind them, are not realized, and that we will move ahead to successful completion of this project, which will be good for the interests of the entire Nation.

I yield the floor.

CENSUS QUESTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1599, S. 4062.

The PRESIDING OFFICER (Mr. HART in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 4062) to amend title 13, United States Code, relating to census questions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 221 of title 13, United States Code, is amended by—

(1) in subsection (a), striking out the words "or imprisoned not more than sixty days, or both", and

(2) in subsection (b) striking out the words "or imprisoned not more than one year, or both".

USE OF THE MAILS TO FALSELY OBTAIN MONEY OR PROPERTY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 1411.

The PRESIDING OFFICER laid before the Senate the message of the House of Representatives, which was—

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 1411) entitled "An Act to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes."

Mr. MANSFIELD. Mr. President, this legislation relating to administrative procedures in mail fraud cases has passed both the House and the Senate. When it passed the Senate last December, it was amended to include provisions for an allocation for additional supergrade positions in the executive branch. Subsequently, the House amended the bill deleting the supergrade amendment and returned the bill to the Senate.

I move that the Senate recede from its amendments eliminating the supergrade positions.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ADDITIONAL LEAVE OF ABSENCE FOR CERTAIN FEDERAL EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13844.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate numbered 1 to the bill (H.R. 13844) to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes, which was on page 2, line 2, of the Senate engrossed amendments, strike out the quotation marks and insert:

(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.

And that the House agree to the amendment of the Senate to the title of the aforesaid bill.

Mr. MANSFIELD. Mr. President, this legislation has passed the Senate providing up to 3 days' leave for Federal employees whose immediate relatives are killed in armed conflict while on active duty with the armed services and providing additional paid leave to Federal employees who are called to duty in the reserve or National Guard.

The House of Representatives has added a perfecting amendment to the effect that this leave shall not be construed to interfere with or diminish any administrative leave now authorized for Federal employees.

I move that the Senate agree to the amendment of the House of Representatives to the Senate amendment No. 1.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

AMENDMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1598, H.R. 14096, which I understand can be disposed of briefly.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 14096) to amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide—LSD—and other depressant and stimulant drugs, and for other purposes.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with amendments on page 3, after line 18, strike out:

(3) (A) Except as provided in subparagraph (B) of this paragraph, any person who violates clause (3) (B) of section 301 (q) shall (1) be imprisoned for not more than one year or fined not more than \$1,000, or both, if he has not been convicted of violating any provision of section 301 (q) prior to his conviction for violating such clause, or (2) be imprisoned for not more than three years or fined not more than \$10,000, or both if he has been convicted of violating a provision of such section prior to his conviction for violating such clause.

And, in lieu thereof, insert:

(3) (A) Except as otherwise provided in this subparagraph or in subparagraph (B), any person who violates clause (3) (B) of section 301 (q) shall be imprisoned for not more than one year or fined not more than \$1,000, or both. If any person commits such a violation after two prior convictions of him for violation of such clause have become final, he shall be imprisoned for not more than three years or fined not more than \$10,000, or both.

On page 5, after line 3, insert a new section, as follows:

Sec. 4. (a) Section 201(a) (2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a) (2)) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “; except that such term includes the Canal Zone for the purposes of sections 201, 301(i), 301(p), 301(q), 302, 303, 304 (other than paragraph (1) of subsection (a)), 307, 510, 511, 702, 703, 704, and 705 as they apply to depressant or stimulant drugs, containers thereof and equipment used in manufacturing, compounding or processing any such drug.”

(b) Section 304(a) of such Act (21 U.S.C. 334(a)) is amended by inserting “or United States court of a Territory” after “district court of the United States” wherever these words occur.

At the beginning of line 18, change the section number from “4” to “5”; and on page 6, at the beginning of line 3, change the section number from “5” to “6”.

Mr. HILL. Mr. President, I have the honor to submit to the Senate H.R. 14096 to amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving LSD and depressant and stimulant drugs. This legislation was approved in the House of Rep-

resentatives by a vote of 319 yeas and 2 nays. The Committee on Labor and Public Welfare approved H.R. 14096 without a dissenting vote.

Mr. President, under existing law it is illegal for unauthorized persons to manufacture, sell, deliver, or otherwise dispose of certain hallucinogenic, stimulant, and depressant drugs and to possess such drugs for other than personal use. The penalty for a first offense is a maximum fine of \$1,000 or imprisonment for not more than 1 year or both such fine and imprisonment; H.R. 14096 would increase the maximum fine to \$10,000 and extend the period of imprisonment to not more than 5 years. In the case of a conviction for a second or subsequent offense, the present penalty is a maximum fine of \$10,000 or imprisonment for not more than 3 years, or both such fine and imprisonment; H.R. 14096 would increase the maximum term of imprisonment to 5 years.

There is an exception to the penalties described above in the case of an individual 18 years of age or older selling or otherwise disposing of a dangerous drug to someone who is under 21 years of age. The penalty for a first offense is a maximum fine of \$5,000 or imprisonment for not more than 2 years, or both; H.R. 14096 would increase the maximum fine to \$15,000 and the term of imprisonment to a maximum of 10 years. For a second or subsequent offense, the penalty is a maximum fine of \$15,000 or imprisonment of up to 6 years, or both; H.R. 14096 would increase the fine to \$20,000 and the maximum imprisonment to 15 years.

Under existing law it is legal for an individual to have dangerous drugs in his possession for use by himself, a member of his household, or an animal of the household. H.R. 14096 would require a valid prescription from a licensed practitioner for such possession. The penalty for a first offense or a second offense would be a maximum fine of \$1,000 or imprisonment, for up to 1 year, or both. H.R. 14096 specifies that a court may suspend sentence and place the individual on probation in the case of a first conviction. For a third offense, and subsequent offenses, the maximum fine would be \$10,000 and the maximum period of imprisonment would be 3 years.

The enactment of this legislation that is recommended by the Department of Justice is essential if we are to effectively combat the increasing illegal traffic in dangerous drugs.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. HILL. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, after line 6, insert a new section, as follows:

“Sec. 7. The last sentence of Public Law 90-489 is amended to read as follows: “The name of the National Institute of Neuro-

logical Diseases and Blindness is hereby changed to the ‘National Institute of Neurological Diseases and Stroke.’”

Mr. HILL. Mr. President, this amendment is needed to correct a technical error in Public Law 90-489 that changed the name of the National Institute of Neurological Diseases and Blindness. Since that act created a National Eye Institute there is no longer any need for a reference to blindness in the title of the National Institute of Neurological Diseases and Blindness. My amendment, therefore, would change the name of the institute to the National Institute of Neurological Diseases and Stroke. This new title will give recognition to the research effort of the Institute against stroke, a health problem that causes 200,000 deaths each year.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama [Mr. HILL]. The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BISCAYNE NATIONAL MONUMENT—PADRE ISLAND

Mr. YARBOROUGH. Mr. President, during consideration of the bill in connection with the Biscayne National Monument in the State of Florida, Senators on the other side of the aisle continued to attack the Padre Island bill which had previously been passed by the Senate. I am glad the Senators are still in the Chamber. The attacks were not justified.

In connection with Padre Island, 89,000 acres were acquired at \$103 an acre. I defy the Senator to go to the State of Florida and buy any land for that amount. Land cannot be bought for several times that amount.

The bill just passed in connection with the State of Florida provides for the acquisition of 3,700 acres of land at a cost of \$24,575,000, the average cost being \$6,442 an acre on those keys out there. Maps in the cloakroom show those keys sticking out in the gulf.

Mr. President, I am for the Florida bill.

This land is all going into private hands and unless we get a few National parks now, the chance will be gone forever. Padre Island has the longest unspoiled beach in America and it was purchased at a cost of \$103 an acre. Land such as that cannot be bought anywhere for that price. We are talking about 85,000 acres. This was a good acquisition. It must be remembered that it took 6 years of discussion and negotiation.

Of course, we wanted to get the land cheaper. The Government wanted to pay \$30 an acre. Perhaps 10 years ago it would have been more than \$30 an acre but prices have gone up and the price



Public Law 90-588
90th Congress, H. R. 13844
October 17, 1968

An Act

82 STAT. 1151

To provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone; and to provide additional leave for Federal employees called to duty as members of the National Guard or Armed Forces Reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

“(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

“(b) The Civil Service Commission is authorized to issue regulations for the administration of this section.

“(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.”.

(b) The table of contents of chapter 63 of title 5, United States Code, is amended by inserting the following new item immediately below item 6325:

“6326. Absence in connection with funerals of immediate relatives in the Armed Forces.”.

SEC. 2. (a) Section 6323 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

“(c) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title (except a substitute employee in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

“(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32; and

“(2) performs, for the purpose of providing military aid to enforce the law—

“(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

“(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year.

“(d) Except as provided in section 5519 of this title, a substitute employee in the postal field service who—

“(1) is a member of a Reserve component of the Armed Forces,

Federal em-
ployees.
Additional
leave.
80 Stat. 521;
81 Stat. 671.
5 USC 6321-
6325.

68A Stat. 34;
80 Stat. 1165.
26 USC 112.
Regulations.

Military leave.

Post, p. 1152.
80 Stat. 409.

70A Stat. 10,
596.

Limitation.

82 STAT. 1152

70A Stat. 10,
596.

as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

"(2) performs, for the purpose of providing military aid to enforce the law—

"(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

"(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

and

"(3) has worked at least 1040 hours, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection;

is entitled, during and because of such service, to leave without loss of, or reduction in, as a substitute employee in the postal field service, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection—

Limitation.

"(i) shall not exceed 160 hours in a calendar year; and

"(ii) shall accrue on the basis of 1 hour of leave for each period aggregating 13 hours of service performed, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection."

Withhold-
ing pay.

(b) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

80 Stat. 477.
5 USC 5511-
5518.

§ 5519. Crediting amounts received for certain Reserve or National Guard service

"An amount (other than a travel, transportation, or per diem allowance) received by an employee or individual for military service as a member of the Reserve or National Guard for a period for which he is entitled to leave under section 6323 (c) or (d) of this title shall be credited against the pay payable to the employee or individual with respect to his civilian position for that period."

Ante, p.

(c) The table of contents of subchapter II of chapter 55 of title 5, United States Code, is amended by inserting—

"5519. Crediting amounts received for certain Reserve or National Guard service."

immediately below—

"5518. Deductions for State retirement systems; National Guard employees."

Approved October 17, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1560 (Comm. on Post Office & Civil Service).
SENATE REPORT No. 1443 (Comm. on Post Office & Civil Service).
CONGRESSIONAL RECORD, Vol. 114 (1968):

July 1: Considered and passed House.

July 20: Considered and passed Senate, amended.

Sept. 18: House concurred in Senate amendments with an amendment.

Oct. 4: Senate agreed to House amendment.

